

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

Legislature of Alabama

PASSED AT THE

SESSION OF 1907

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY.

COMMENCING TUESDAY, JANUARY 8, 1907

BRAXTON BRAGG COMER, GOVERNOR

HENRY B. GRAY, LIEUT.-GOVERNOR

E. P. THOMAS, PRES. PRO TEM OF THE SENATE

*WILLIAM L. MARTIN, SPEAKER OF THE HOUSE

ARCHIBALD M. CARMICHAEL, SPEAKER OF THE HOUSE

*Died March 2nd, 1907.

I, Frank N. Julian, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

FRANK N. JULIAN,
Secretary of State.

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MESSAGE

OF

GOV. WILLIAM D. JELKS.

To The Members of the Senate and House:

The Constitution directs that the "Governor shall, from time to time, give to the Legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient," and he shall give "information of the condition of the State." In accordance with that provision of the Constitution I am laying before you herewith matters which it seems particularly proper should be brought to your attention, and, as well, in some cases recommending such action as I think should be taken.

PENSIONS.

Seven years ago the State was appropriating as pensions for old soldiers about \$115,000.00 a year. For each of the past two years the disbursement for this went nearly to the half million dollar mark. This money was divided between about 15,000 pensioners. The law provides as follows:

"That any resident citizen of this State on the first day of January, 1899, and who is a resident citizen at the time of filing his application, who while in the military or naval service of this State, or the Confederate States, lost a leg or arm, or the use thereof, or who from wounds received while in such service, or who from sickness or old age, or who is blind, or deranged or unable at the time to make a living by physical labor, by reason of his permanent disability, and who did not desert the service of the Confederate States or the State of Alabama, and who does not own property to the value of

four hundred dollars, and who has no children living with him upon whom he can depend for support, and whose salary or income does not exceed three hundred dollars per annum, shall be entitled to the provisions of this act, as hereinafter provided, and the widow of any soldier or sailor of this State or of the Confederate States, who has not married since the death of such soldier or sailor, and whose husband did not desert the service of the State or of the Confederate States and who was a resident citizen of the State on the first day of January, 1899, and who is a resident citizen of the State at the time of filing her application, and who does not own property to the value of four hundred dollars, shall also be entitled to relief under the provisions of this act, as herein provided."

Many of the 15,000 on the rolls come under none of the classes named in the law. They are really not entitled to pensions under a strict enforcement of the law.

I see that a proposition has been made to change the law so as to allow a service pension. I doubt if so much fraud would be practiced under the law so changed as has been or is now practiced. With the law so changed it would be indeed, possible to make proof that a party was a soldier when in fact he was not, but there could not be so many opportunities for fraud as now.

The Legislature can do one of two things: 1st. Change the law so as to provide for a traveling pension examiner, who will spend his entire time carefully looking into the proof of the applicants, and who will be uninfluenced by local surroundings. In that event the needy and the indigent soldier could have, very properly, from the State Treasury a sufficient yearly sum to provide absolutely for the necessities of life.

2nd. Change the law so as to provide a service pension. With any sum the State can now appropriate under the best possible circumstances this new proposition would certainly not increase the amount of individual pensions, which for the last two years have been

\$30, \$40, \$50, and \$60 for the several classes. The service pension, you would find, would decrease these amounts with any possible appropriation the Treasury could stand.

Four years ago a bill came to me providing for an appropriation of \$100,000.00 additional to the one mill tax, for each of four years. I offered an amendment, as I had a right to do, under the law, reducing the amount to \$50,000.00 each of four years, providing, however, that this sum would be increased to \$150,000.00 for each of the last two years, if it appeared to the Governor that the Treasury could stand the additional amount. This amendment was accepted and the bill became a law. The veterans got the \$400,000.00 originally provided in the four years. I authorized the Auditor to draw his warrant in October, 1905, and again in October, 1906, for the additional hundred thousand.

My apprehension of a possible treasury balance then grew out of the reduction by one mill of the State tax, which reduction amounted yearly to about \$350,000.00. It will be recalled, too, that at that particular time the income from the convict department under the departure I caused to be made, was not a certain amount. The vast increase from this source which has come to the treasury since that time, was then in the future. My fears, I think, were not unreasonable.

In conclusion of this subject, you will allow me, with as much emphasis as I can command, to say that no needy or indigent old soldier ought to suffer for any of the necessities of life as long as the State can prevent it.

SOLDIER'S HOME.

You provided four years ago for a home for old soldiers, which home was largely donated by that great lover of old soldiers, Jefferson M. Falkner, and is known as the "Falkner Home." You appropriated \$120.00 a year for each inmate. Under the act I appointed the following trustees of the Home:

State at Large: J. M. Falkner, W. D. Westcott and C. L. Ruth; and the following, one from each Congres-

sional District: A. C. Danner, J. B. Stanley, S. T. Frazer, H. C. Reynolds, W. A. Handley, A. Y. Glover, L. B. Stone, Sam'l. Blackwell and W. C. Ward. They are all clever business men. I think you will not find a wiser or more efficient body of men on any board than these.

The appropriation has been found to be entirely insufficient to care for it at all. There are nearly seventy people in the Home and the appropriation is \$10.00 for each per month. A competent Commandant, with an assistant or two, cooks, helpers and nurses, particularly nurses, take in wages one half of the appropriation. You will consider of course that nearly every one of these old men if not absolutely, is partially helpless and needs much attention. There is hardly \$5.00 a month for each, to feed and clothe them. The Board has found it impossible to get along on the allowance and they have gotten behind. The members above named signed with me a note for \$2,750.00, which I will ask you to provide for. This money had to be borrowed, the old veterans starved, or the Home closed. If you should decide to keep it open further you will necessarily be compelled to greatly increase the per capita appropriation. It certainly ought not to be run as a poor house.

OUR ASSESSMENT LAWS.

Real and personal property, when aggregated, does not bear taxes on 30 per cent of its real value. Personal property escapes almost entirely unless it is in shares in a corporation. It is almost unrepresented in the tax returns. Real property in many counties is not itself given in for an amount above one-third of its value, and there are counties where 20 per cent. on real estate is considered a most liberal estimate. Every effort has been put forth by the Auditor to get personal property on the list and to have real property assessed at a reasonable per cent. of its value. The Back Tax Commissioner's office has been constantly in touch with the Auditor in this fight for a proper showing with what, I consider, a pitiful result. The assessment for the year

1900 amounted to \$266,000,000.00, and for the year 1906 to \$384,000,000.00, an increase unequalled at any time in the history of the State. A billion dollars would, however, hardly be a fair assessment. We are sharing in a very great prosperity all over the country. Our immediate sister states, Georgia and Mississippi, have increased their assessments in a larger degree, which I assume is the result of superior tax laws and not the result of really increased values.

BACK TAX LAW.

The Tax Commission Law is effective in increasing the assessment against a few people in an average of one-half of the counties. It does not reach one person in one hundred whose property deserves to be raised. In one half of the counties it is entirely ineffective with any execution this administration could give it; and with any execution, indeed, it ever had at any time since the passage of the act. The whole tax system should be radically changed. Personal property, except such as that represented by corporation shares, or such as pay a record tax, as I have said, practically bears no part of the tax burden. At your last session you provided for the taxation of mortgages at the small rate of 15 cents a hundred. This departure has not only been effective in raising a considerable revenue, \$75,667.21 in 1906 for the State alone, but it suggests an extension along the same line. I am of the opinion that ultimately the law must be so changed as to exclude altogether for consideration all such personal property as may be entirely hidden from the assessor, except such as the law requires court or state records to disclose. I am inclined to believe that the principle of a mortgage tax might profitably and fairly be extended.

The Commission law has been more effective in securing unpaid licenses than in raising valuations or discovering escapes. It seems that the law should provide for a greater diligence on the part of judges of probate in the collection of licenses. Now it requires that the judge of probate shall report the list of licenses collected to the

grand jury. Some of the judges content themselves with receipting for licenses when handed them or, perhaps, notifying parties that they are due such license. They do not count it as a part of their duty to enforce collection. Their indifference, on the whole, has probably increased since the passage of the back tax law. It would be feasible, it seems, to add to the duty of the probate judge a requirement that he exhaust whatever remedy the law is made to give him to the end that those who might otherwise, may not escape such tax.

Curious to know what has been done I have gone over the returns for four years covering the years of 1898, 1899, and those of 1905 and 1906. The law was established in 1896. I found that in 1898 in thirty-one counties there was either no back tax commissioner, or if there was such an officer he made no raises and furnished no escapes. In 1899 twenty four counties had no raises and reported no escapes. There were six other counties of the sixty-seven in which the tax from escapes and raises from the work of the Commissioner amounted to less than \$30.00 in general state and special tax.

For the past year I find there have been no raises and escapes from the Commissioner in 35 counties. For 1905 there was no raises or escapes in 28 counties. It will, I am sure, appear to you at once that as at present written in the books the law is only effective against a few of the parties it ought to reach. You will agree with me that it is most undemocratic to make fish of one and fowl of another. In some of the counties of the State the law has never operated for any one of the ten years which it has been on the books.

Our assessment laws are not operating to the State's advantage. Our neighbors on either side of us are better equipped. Their increase in assessment the past year or two has been greater than ours and I am sure the real valuation of property in Alabama has far outgrown either of them.

RAILROAD ASSESSMENT.

The railroads were assessed by the Board charged with that duty last March for the total sum of \$58,426,072.00, an increase in the six years of this administration of \$10,227,834. This amount is far below their value, though I think it incontestable that it is a higher valuation than that set upon property generally in this State by owners and assessors. I may go further and say that a greater value is placed upon railroad property in this assessment than is placed upon personal and real property in any county in the State.

INHERITANCE TAX.

I think that the State can fairly provide for a reasonable Inheritance Tax.

VAGRANCY.

The law on the statute books has been ineffective to suppress vagrancy. No lines that you may write will likely be entirely satisfactory. That will not hinder you from undertaking a solution of this most serious question. A more efficient vagrancy law should be passed or the present one amended. The Supreme Court has held that the burden is upon the State to prove that the defendant has no property or means to support him. Under this ruling of the court the State is required to prove a negative, which it cannot do. The burden of proof should be upon the defendant charged with vagrancy to establish the nature, kind and amount of property, if any, he has from which he gains a support.

DEPARTMENT OF ARCHIVES AND HISTORY.

It is gratifying to me to be able to make special mention of the continued growth of the Department of Archives and History. Although the newest of our State Departments, it has reached an enviable position of dignity and influence. Under the tireless zeal and intel-

ligent enthusiasm of its Director, Dr. Thomas M. Owen, its development has steadily proceeded until it has organized and made accessible the archives or public records of the State, and has collected a vast mass of valuable historical materials, such as books, maps, prints, charts, historical memoranda, original documents, relics, portraits, views, and newspaper files, etc., etc. The collections aggregate many thousands of dollars in value.

Since its establishment the Department has been without adequate quarters, and has been compelled to conduct its work under very trying conditions, temporarily using the Senate Chamber for a historical gallery and the Senate cloak room for an office.

The plan of the Department, as a means or agency for meeting the duty which the State owes to its archives and its history, has met general favor. It has the endorsement of the American Historical Association a body of more than two thousand representative historical students from all parts of the United States. The States of Mississippi and West Virginia have created similar Departments. South Carolina has created a History Commission, substantially following our plan, and it has been endorsed in Florida, Arkansas, Tennessee, Iowa, Georgia, North Carolina and Virginia. It is a matter of congratulation that Alabama should lead in the establishment and development of this new phase of State institutional activity. The Department deserves well at your hands.

YELLOW FEVER.

In the summer of 1904 New Orleans and the State of Louisiana and Mississippi were visited by a terrible yellow fever scourge. There were three cases and two deaths in Alabama, but so excellently was the quarantine managed that beyond these cases, and the great expense and confusion to municipalities and counties and to the State itself, we were unharmed. The statute provides \$10,000 a year to fight these epidemics. The State spent in this particular fight \$42,300, the money being

supplied in August and September from the fund allowable for the fiscal year 1904, and in October from the fund for the fiscal year 1905. Treasurer Smith advanced \$10,000 on an agreement that the Auditor would October 1st, 1906, issue his warrant to the State Health Officer, that officer agreeing to hand it immediately over to the Treasurer. You will observe that this accounts for the \$10,000 for each of three years. The balance of the total expenditure was made up by turning over to Dr. Sanders, on the last day of the fiscal year, 1905, what was left of the Governor's Contingent Fund for that year to the amount of \$2,200, and by Dr. Sanders borrowing the remainder \$8,125, on his personal note, which, however, I and others signed with him. You will be asked to appropriate this money with interest to the holders of the note. The few dollars you will be called upon to disburse, as interest on this money, is much cheaper than would have been a session of the Legislature to provide for the deficiency. While \$42,000 is a large sum it was well spent in keeping the disease practically out of this State. As it was business was never very greatly disturbed. The victory was very cheap at the price. In this connection I desire to say that I interested myself and procured the interest of all the congressmen from Alabama in a general maritime quarantine, which I believe is now effective. I think it will not be possible again to have the State disturbed over this disease.

UNIFORM SCHOOL BOOKS.

The uniform school book law, which was passed at your last session, was made effective in the summer of 1903. It has been the law of the State for more than three years. The law provided that the Governor and Superintendent of Education, together with eminent teachers appointed by the Governor, should form a State Text Book Commission. The Governor appointed, under the law, Dr. F. M. Peterson, President of the Girls Industrial School; Dr. C. C. Thach, President of the Polytechnic Institute; Dr. J. W. Abercrombie, President of the University. These three with the Governor and

Superintendent of Education composed the School Book Commission. As provided in the bill the Governor appointed the following gentlemen to form a Sub-Commission: Prof. M. C. Wilson, President Florence Normal School; Prof. H. J. Willingham, President of the 5th District Agricultural School; Dr. J. H. Phillips, Superintendent of the Birmingham Public Schools; Prof. J. H. Foster, Superintendent of the Tuscaloosa Public Schools, and Prof. W. W. Benson, representing the common schools. The two boards did a great deal of work. Its members were given ample opportunity to study and compare all the books in competition. At joint sessions of the two commissions opportunity was given the agents of the publishers to appear before the body in advocacy of their publications. This public hearing ran through several days. The Sub-Commission after some weeks, reported its findings and the main commission then selected the books to be used. I think the members of the commission agreed that one mistake at least was made in their selections—that one superior and more teachable text book might have been secured. No member of the commission will say that the books selected, taken as a whole, are not of a higher value than the average books taught in the schools of the State before the adoption of the law. The work of the commission was honestly and unselfishly done, and I desire here to bear testimony to the faithfulness with which its members served the State. The expense attached to the commission was within the \$2,000.00 appropriated for the purpose, and no men more nearly earned their per diem than did those eight appointed members of the Board.

THE MATTER OF SAVING FROM ITS OPERATION.

In many city stores in the State school books were sold at retail at what was known as "list" price. In other city stores and throughout the State in the smaller communities, books were sold at an advance of 20 to 40 percent. on list price. The contract with the publishers required that the books should be sold in a number of

places in each county at contract figures which were below what was known as list price. To those persons who were fortunate enough to live hard by a store that sold the books at list the reduction under the new law would represent a saving to them of about 30 per cent. If they were situated, as four-fifths of the patrons were, at a distance from the list-price store they had to pay 20 to 40 per cent. above "list." These last find their books now at hardly above one half of the old rate. The aggregate sale in the State on the basis of the new price list average something like \$200,000 a year. The saving for five years to the people of this State cannot hardly be less than 40 per cent. or an aggregate of \$400,000.00. There is added to this argument in favor of the new law the great saving which comes from avoiding repeated changes and the annoyance which parents and guardians suffer from such changes. Moreover, the average boy and girl now has a better book to study than they have known before. It will be necessary for you to provide for a new book commission to continue the operation of this most wholesome and profitable departure.

SCHOOLS.

That brings me to a discussion of our schools. The University, the Polytechnic, and the Girls Industrial School are having the most successful year in all their history. The University is much in need of funds with which to erect and equip additional buildings. It has been twenty years or more since the school has had any funds to put into buildings. The growing necessity for large appropriations for the common schools has caught and held the eyes of the legislators, and in supplying in some sort of fashion their crying needs, the old school at Tuscaloosa has not had the attention it deserved. The needs of the Polytechnic are not less serious, so far as buildings go, than the University. Both schools must undoubtedly receive proper consideration at your hands. A temporary provision of the last Legislature for State work in the department of horticulture should

be made a permanent part of the Polytechnic's endeavor. It is a pity that Tuscaloosa and Auburn were ever separately organized. They should have been combined, becoming in time a real great University. As it is much of the work is duplicated at extra expense to tax payers. It is possibly not too late to combine them.

OTHER SCHOOLS.

You will have a call from the Normals, and the Agricultural Schools. They will place their needs, which are entitled to your consideration, before you. This is also true of that great institution for girls, recently established at Montevallo, and now doing a great work.

The common schools will, however, demand your chief attention. There is great room for improvement in them. In the past few years, a great advance has been made. They are following now an almost perfectly new system, and as the years have gone on, they are being supported by large additional sums. As an evidence of the growing opportunities for good in these schools I point you to the amounts used in their support. For the six years, beginning with 1895 and ending with 1900 they received from the State alone, exclusive of poll tax, \$3,146,890.46 and for the six years ending September 30, 1906, they received, exclusive of poll tax, \$5,870,111.41. A difference in favor of the latter years of \$2,723,220.95.

For the school year 1895-6 the General

Fund from the State Treasury was..\$	496,482 20
Poll Tax	145,000 00
Estimated City Supplement.....	100,000 00

Total	\$741,482 20
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For 1905-6 the schools received general..

fund from the State.....	\$1,085,063 95
Poll Tax	116,500 00
Local County Taxes	185,000 00
Estimated City Supplements	250,000 00

Total	\$1,636,563 95
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The figures given, as estimated, are made with the assistance of the Department of Education.

The vast aggregate sum, representing the difference in the two six year terms, has done much good for the State in preparing future citizens for usefulness. Not one-half enough has been done in this direction, in my judgment, that ought to be done. Teachers are underpaid. The fund will never be sufficient until an ambitious youth can hope to realize from teaching an income which will compare favorably with the earnings of men engaged in other profitable pursuits. They are doing the world's next greatest work and the sums many of them receive is inadequate pay for their great and successful labors. Their product is finer than that turned out by the furnace or the forge; of larger value than that from pick or shovel, or what comes as fruit of loom or spindle. It becomes us to see to it that so delicate a work is committed to competent hands, and that they may be competent, it is reasonable that provision be made for the care and comfort of the workers.

TUSKEGEE INSTITUTE.

The law requires that any funds received from the sale of lands donated to the Tuskegee Institute by the National Government shall pass through the hands of of the Governor. I have had in my possession \$31,450.56 all of which, with the exception of \$319.31, after consultation with the Board of Trustees of the School, has been invested in Alabama bonds and turned over to the Finance Committee of that Board. The remainder, \$319.31, in cash has been committed to the custody of the Chairman of the Finance Committee, of said board, it seeming proper that I should, before I went out of office, make a complete settlement with the school and not leave any fraction of the settlement for my successor.

It has been complained that graduates from this school do not return to the farms; that they are being educated away from them. The school does not sin in this matter

above the higher white schools in the State. Graduates from none of them return to the farm. This is a great pity.

MONTEVALLO AND TUSKEGEE LANDS.

Only a few hundred acres of the Tuskegee school lands have been sold. Montevallo lands to the amount of 2,921 scattered acres have been sold and the money \$36,550.68 deposited to the credit of the school in the State Treasury. There are yet on hand of these Montevallo lands 22,000 acres. The greater part of which, being practically in one block, have not been offered for sale by the board. They have been reserved. All of these lands are very valuable. A most modest estimate of their present selling value could hardly be less than \$10.00 an acre. The determination of the board, made some years ago, only to part with the scattered lands and then at fair figures, has, I think, been very wise and in the interest of the school.

DEAF, DUMB AND BLIND SCHOOLS.

These several schools were so unfortunate as to lose one of their buildings, embraced in the equipment for the Deaf. The insurance was inadequate. The whole amount was collected by me and turned over to the Building Committee. It was found to be insufficient to put up such a building as was needed. You should read the report of Superintendent Johnson to get a fair idea of what the several schools are doing and what their needs are.

HOSPITAL FOR THE INSANE.

The officers are doing a great work. I think they are reasonably well provided with funds. You will find the report of Dr. Searcy, the Superintendent, instructive reading.

CHILD LABOR LAW.

The law which you passed at your last session restricting child labor in the mills was not sufficiently reformatory of old methods and has not been very effective. I take it this subject will be carefully treated by you in the interest of the future manhood and womanhood of this State.

GOOD ROADS.

Our dirt roads, with a few exceptions, are a disgrace to the State. We all recognize that. How they may be improved will challenge your attention. I have no suggestions or advice to offer except to say that any legislation that will advance this cause in a single county in the State will be eminently worth your while.

• RACIAL TROUBLES.

I think we can felicitate ourselves on the comparatively kindly feeling existing in this State between the races. While it is not such as it might be it is better than in other States and is altogether an improvement on the feeling which existed a few months ago in this State. I am in receipt of many letters from leading negroes and have had very many conversations with members of the same class, pledging themselves to stand with the conservative and law-abiding white citizens for the preservation of law and order. I have talked the matter over with leading white citizens and both agree that there must be a still better feeling or we are in danger of a race clash much to be regretted. It will be very wise for us all to understand that as we are to live here together there is every reason for the thoughtful of each race to consult together in the interest of mutual helpfulness.

The tremendous number of vagrants and thieves among the negroes, more than ever before, admonishes all of us that this must be the result of the precept of preachers. and school teachers. We cannot escape the convic-

tion. While the State cannot interfere with the right of free speech in the churches it can interfere to see that the State's money is not expended to keep teachers in the schools who turn out a tremendous proportion of children who look upon manual labor with abhorrence or believe they can live decently here as thieves, or have an idea that there is a pleasant thieves home in the hereafter. This brings me to say that it is well for us to consider if there is not some better way of providing teachers than by depending on moral perverts, supplying them with the State's money to do a destructive work. Stealing and vagrancy are the greatest disturbers of race peace. They are the primary disturbers of that peace. This is a great question which you have for consideration, and I am sure that any legislation you may see fit to pass touching it, or both races where they come together, will be considered conservatively and wisely.

I must not be considered as opposing negro schools. I am merely undertaking to say to you that the State will be better served when we can produce more honesty and a larger inclination to labor, even, if it be, at the expense of the text books.

AN ECONOMICAL GOVERNMENT.

It is believed that you have the most economical government in the world. Exclusive of the appropriations for pensions, schools, asylums and interest on the public debt the total disbursements are less than 20 cents per capita. The four items vary greatly in different states and for the purpose of comparison I eliminate them. These left out of consideration there is no state government in America so cheap as this one of ours and I believe no government covering an equal number of men in the world will show such a small disbursement. The fact is, exclusive of the four items, the tax payer contributes nothing to the support of the State government. The profits from the Convict Department alone, as now managed, will more than pay every other item of governmental expenses. This statement, I am sure, will interest you.

ALABAMA NATIONAL GUARD.

The State's Military arm consists of three regiments of infantry and one battalion each of cavalry and artillery. The three regiments are better equipped than at any time in their history perhaps, and they make a very magnificent appearance. The artillery lacks some necessary guns. Speaking of them as a whole—infantry, cavalry and artillery—I am sure that they have never been so well supplied with the mere mechanics of war. They appear to be and I think are, as well-officered and show as good discipline as at any time in their history. I have had occasionally to call out a company here and there and once or twice during my term, several companies. Any and every portion of the guard has always responded promptly and cheerfully to every order given them. I cannot speak in too high praise of their soldierly spirit.

In this connection, it is suggested in some military quarters, that a permanent camp ground be selected. This would have its advantages and disadvantages, but in all probability is the best thing to do under the circumstances. One must ask himself the question, however, if the advantage gained by permanent mess halls and kitchens and water-works will more than compensate for the naturally smaller attendance on encampments year after year. The boys, wanting with their outing, a change, and not getting it, will be likely to fall off in inclination and enthusiasm.

PUBLIC EXAMINERS.

The Public Examiners now cover the whole state every twelve months; looking into such matters as effect the state treasury alone. Six years ago the counties averaged as many as three years from the dates of the respective last examinations. About four years ago the present Examiners caught up, that is, got to where they could, without taking on too many purely county examinations, cover the whole state, including the Superintendents of Education, a practically new field for their

endeavor, in one year. Since then, practically every county is examined in the State's interests every twelve months.

I believed that frequent examination would prove that there were not many officers who wanted to defraud the State. For a greater part they are honest, entirely honest. A poor book-keeper could explain an error in one year, when in three or four years it might escape him. I learn that officers do not complain of the coming of one of the Examiners. They are pleased to have their books looked over as often as possible. The Examiners have been finding very little to report; very much to my satisfaction and to the satisfaction I think of all good citizens. The work, however, on state matters, makes it almost impossible for the examiners to go into county matters, if they would make the rounds in one year.

If you think this work should be diligently pursued as to county funds, you will be compelled to provide some additions to the present force.

TAG TAX LAW.

The present tag tax is 30 cents on the ton. The sum gathered from this source after paying the expenses of the department and the prescribed amounts to certain schools, usually leaves a balance. For the last fiscal year it was about \$18,000. It seems to me that it is time the tax was reduced to the actual cost of inspection, and that the schools now supplied out of the fund, be cared for as other schools are, either by direct appropriation, or out of the general school fund. It must not be understood that I think they should be crippled in any way. On the contrary, they should be given, with all other established schools, ample support.

In the event the tax is so reduced then you would have to provide a special appropriation for State exhibits at fairs and other advertisements of the State's resources. In the past few months the Commissioner of Agriculture and Industries has expended, as he had a right to do under the law, and with my approval, \$12,500 for the as-

sembling of county and individual exhibits at two State Fairs, which Fairs have been of immense service to the farmers of Alabama.

STATE DEPOSITORIES.

The plan of keeping a large sum of money in the Treasury is subject to criticism. The balance of the past fiscal year, many times and for weeks and months, stood around two million dollars. It is a great care, and besides, and what is more important, it is out of circulation. Four years ago, a bill calling for State Depositories was introduced in one of your bodies, which had my approval. It failed to become a law. Had it passed, providing as it did for State bonds as a basis, the late bond sale would have been at a better figure. You will have an opportunity to vote on a bill providing for State Depositories at your present session. I unqualifiedly advise the passage of such a bill when properly drawn. In this connection I am minded that the Constitution does not allow the loan of the State's funds. This clause seems now to be unfortunate.

In this connection it might be well to require of insurance companies doing business in the State a deposit with the State Treasurer of State or Government bonds as, in some sort, a security for the insured in Alabama.

IMMIGRATION.

Some practical plan should be put on foot looking to the attraction to Alabama of desirable immigrants. Something has been done in the last year or two by the railroads, land companies, factories and furnaces. The State Government, while willing to do what it could, had no funds at its disposal. It is probably fair to say that we have received during the past four years something like ten thousand home-seekers from the continent and the north and west. The National Government is spending a large sum of money at New Orleans providing an immigration station like the one at Ellis Island and this will furnish better opportunity for the south to se-

cure laborers for its fields and factories than has been offered it before. A bureau might be established presided over by a practical person, which bureau should be furnished with considerable means. This might be a charge on the State for only such a time as it should appear to the Governor that it is effective. The need for additional labor for all lines is very imperative. A stream is already begun to this State. Some little assistance would keep it open and provide for its enlargement. There cannot be before you many more important matters for your attention than this.

SALE OF NEW BONDS.

The bonded indebtedness of the State was \$9,357,600, as follows: \$966, 000 due January 1906; \$7,437,600 due July, 1906, and \$954,000 due in 1920. Those due in 1906, January and July, to the amount of \$8,403,600 have been paid by the use of a sum of money received from the sale of \$8,103,000. The premium on this last amount being sufficient to pay for and retire \$300,600 of the debt. The whole debt has been reduced by that amount. All of these bonds to the amount of \$8,403,600, except something like \$300,000 of them, have been cancelled and are in the vaults of the State Treasury. I suggest that you appoint a commission to see that they are destroyed. The law does not now provide for the burning of these particular bonds.

I managed to sell a 3 1-2 bond to take up those due in January, 1906, at 1.02 or a premium of 2 dollars on the hundred. This sale was made in November, 1905. I even hoped to do as well or better with the bonds due in July 1906, but caught a higher market. I advertised for bids for 50 year bonds at 3 1-2 and 4 per cent. I got only a few bids for a 3 1-2 bond which I required the bidders for the larger part of the 4 per cent. to deliver of the previous January issue. In this open competition I had offerings to cover about three times the amount of bonds offered. I accepted and delivered the bonds to those bidding the highest premium. The accepted bids ran from a premium of two dollars a hundred on a 3 1-2 bond to

\$4.134 on a four per cent. bond. On the issue of January, 1906, I collected a premium of \$19,320, and on the larger two issues, A and B's, now combined into an issue of A's alone, was collected a premium of \$319,718.11.

I seriously contemplated paying the old C's, or the larger part of them, with the money lying idle in the treasury, but found on investigation I had no authority to do so. That plan promised a large saving of interest with the use of unemployed funds, even if the legislature when it should meet felt inclined to and had authority to re-issue them.

While the sale of the July bonds was not altogether satisfactory at the time, I have seen no day since when I think a better bid or even so good a bid would have been offered, money ruling very high. The annual interest has been reduced from \$448,880.00 to \$357,650.00 a saving for each year of \$91,230.00. This has been done and the whole indebtedness reduced from \$9,357,600 to \$9,057,000. As to the \$300,600 in bonds retired let me say that it is very probable you can if you see fit re-issue this amount in bonds. The constitutionality of such a project is, however, debatable. In the meantime the interest on them has been saved.

Besides this saving in interest and this saving in the aggregate of the debt, I found after paying necessary expenses that I had on hand of the premium money \$25,707.98, which I have caused to be covered into the treasury. That the Journals may hold and keep the transaction I have thought it prudent to furnish in this message a brief statement:

Total amount received as premium on Cs\$	19,320 00	
Total amt. rec'd. as premium on As & Bs	319,718 11	339,038 11

Expenses:

Lithographing -----	9,086 25
Express -----	3,268 08

Expenses to New York:

Governor three times -----	
Treasurer once -----	362 30
Private Sec. to Gov. twice -----	

Advertising -----	12 00	
Exchange -----	1 50	12,730 13
		<hr/>
Old bonds paid for and retired		300,600 00
		<hr/>
Total -----		313,330 13
Leaving balance to cover into Treasury		25,707 98

CAPITAL EXTENSION AND IMPROVEMENT.

As is known to you, the last Legislature made an appropriation of one hundred and fifty thousand dollars "for the improvement of the State Capitol building and grounds and for the acquisition by condemnation or purchase of any real estate necessary or beneficial in improving the present capitol grounds, and for the erection or acquisition of any necessary additional building or buildings for the use of the State." The act created a Capitol Building Commission, for the purpose of carrying out its provisions, to consist of the Governor, the Attorney-General, State Treasurer, State Auditor, Secretary of State, with the Director of the Department of Archives and History as Secretary. The Commission organized June 28, 1904, and at once entered upon its work. It would serve no useful purpose to here detail the deliberations of the Commission, or to recount the stages passed in reaching its decisions. Suffice it to say that the Commission, in the execution of the duties imposed, has acquired for the State the South portion of the capital square, it has extended the capitol by the erection of a South wing or addition now approximately completed, and it has caused a number of improvements and repairs to be made on the old or main building. The purchase of the lots named was imperatively demanded in order to provide room for necessary extension and in order to give proper form to the capitol grounds.

For a long time there had been a pressing need for more room for the proper conduct of the business of the several offices and departments of the State. In no way did it appear possible to the Commission for this to be secured except by the erection of an addition to the

present capitol building. In reaching a conclusion as to the best form for such extension the Commission took much time for deliberation, and before formal action, in addition to the advice of Mr. Frank Lockwood, the Commission architect, secured the expert advice of Mr. Charles F. McKim, of McKim, Mead and White, a firm of the greatest architects in the world. The addition as erected was planned by Mr. Lockwood, and endorsed by Mr. McKim after a personal inspection of our present building and a study of our needs, situation, etc. This addition is in architectural harmony with the original structure, and is so built, as to be subordinate to it. It is as large as was possible to make with the funds at our disposal.

Owing to the lack of funds the improvements and repairs on the old building are not as extensive as was designed, but they are such as was thought most needed at this time. Together with the extension they form a part of a general scheme of improvement, details and plans of which are in the hands of the Secretary of the Commission. The addition and the interior improvements on the old building have served to increase the beauty and usefulness of the historic old structure, and when the entire scheme or plan of the improvements is carried out it is believed that there will be no more attractive capitol building in the country. A journal of the proceedings of the Commission has been carefully kept, and all expenditures have been made strictly in accordance with the law and will be within the legislative appropriation.

THE MATTER OF PARDONS.

I have issued in the past twelve months 114 pardons, commutations, reprieves and remissions. This is as small a number as has been issued from the Governor's office in this State in many years. Cases at times come before the Board of Pardons where a palpable error has been committed in the sentence. It not infrequently happens that the trial Judge and Solicitor unite in agreeing that a mistake has been made,

and join in asking for clemency. Under such circumstances it is a pleasure for the Board of Pardons to recommend clemency, which they promptly do. During the holidays just passed I took occasion to issue paroles and pardons to a goodly number; among them a dozen or more poor unfortunates, who after long service for the State with good conduct always to their credit, were paroled or pardoned, giving them some of the sunshine of freedom in their declining, and in some cases, last days.

CAPITAL PUNISHMENT.

This brings me to discuss for a moment capital punishment in this State. There is a general indisposition to hang white men in Alabama. For my term, covering six years, I think only two white men have been hung in the State. They were strangers. They met their proper punishment in the imperial county of Jefferson. It was unfortunate for them that they were not better or more favorably known in Alabama. Our juries do not seem to have the same objection to hanging the casual visitor as they do the home raised criminal.

In this connection there happened recently an incident which has excited very much comment in this and other states. A convicted man appealed to the Supreme Court; then to the Board of Pardons, where the trial Solicitor appeared against clemency and the trial Judge was known to oppose clemency. After a long hearing the Board of Pardons refused to recommend clemency, and I refused absolutely to interfere with the sentence, taking the position that there was nothing in the papers or in the argument that would lead me in any way to suppose that the sentence was unjust. In the meantime the sheriff had taken the prisoner to an adjoining county for safe keeping, probably to save him from the indignation of his neighbors. A writ of habeas corpus was granted on the day before the time set for the execution. The man's new found friends were sufficient to provoke an excitement most unusual and to me inexplicable. Good citizens joined in the objection to his execution

and the Judge, at the last moment, took the case out of the hands of the executive authorities.

The indisposition of juries to sentence to hanging, as disclosed by the record, and the excitement which the possible hanging of this man created among respectable people, leads me to the conclusion that the hanging of white men in Alabama is almost an impossibility, and excites me to suggest to you that probably it would be as well to allow the law to declare against capital punishment except in a case of an offense against women. It is monstrous to allow a law to stand which is operative only against one class of our citizens.

I call your attention to the report of the Attorney-General which you will find on your desks. The figures for two years in Alabama, as given by him, show that 669 cases of homicide were tried and of these 184 were convicted of murder in the first degree. Many of this last number were hung, but I think not a single white man. Public sentiment must be built up to the law, or the law must come down to a level with public sentiment. The two are apart.

FISH AND GAME LAW.

The passage of a comprehensive law on this subject is, to my mind, quite imperative. No real protection can be secured short of a provision which arranges for game wardens. The bill ought to be comprehensive enough to embrace other birds than game birds. It is well enough to begin at once a work looking to preventing the total extinction of our game, and as well our song birds. There will be presented for your consideration, at least one measure on this line, which will no doubt challenge your attention and interest.

THE MATTER OF SALARIES.

The Judges of the State and the Chancellors, it seems to me, ought to have an increase of their salaries. Living is more than twice as high in Alabama as it was when some of these salaries were provided for. There is no

judge now on the bench in Alabama, measuring up to his place, who cannot earn in his profession a larger income than he is receiving from the State.

In this connection, too, I suggest you appoint a committee to harmonize the salaries of the executive officers and clerks. Many of them are high enough, perhaps, but the inequality in the salaries of officers and clerks in this building, and in some cases the insufficiency of such salaries, is most glaring.

THE NEW CODE.

Judge Mayfield filed with me on the 11th day of December the Code which your body at a previous session engaged him to prepare. In addition to the Code he submitted a report which the law provided. That report I caused to be printed and furnished to the post-office address of every member of your two bodies as soon as possible. It was sent out December 16th. This was done that members might begin their legislative work at home by scrutinizing such changes from and additions to the old Code as has been provided. I am sure the comparatively small expense, from my contingent fund, was more than justified. The constitutional limit of your session does not allow you more time than is needed and the Mayfield Report beforehand ought to facilitate the business you will have on hand. The report, together with some suggested bills from the same hand, will be laid before you.

CONVICT DEPARTMENT.

Four years ago the new system of working the convicts in the mines went into effect. There were many doubters at the time. There seems to be none now who doubt the wisdom of the departure. About six hundred convicts, about as many as are physically able to be put in the mines, are getting out coal by the ton. The change from the old system in which the State averaged, for the year before the new plan was effective, only \$11.00 a head for the men leased to coal operators, provides, besides the

advantage of largely increased gains, their care by the State's own wardens, its own nurses and its own doctors. Besides the increased income we have a more humane management and a greatly reduced death rate, as will appear from the reports of the Physician Inspector. I have not at any time regretted that I caused the change to be made. The department for the past six years has been managed with signal wisdom and success, as will be more clearly seen by a report by years for the past twelve years:

6 years.		6 years.	
1895.....\$	24,843 00	1901.....\$	92,545 00
1896.....	3,061 75	1902.....	98,895 00
1897.....	20,715 00	1903.....	160,418 00
1898.....	49,417 00	1904.....	292,127 00
1899.....	25,422 00	1905.....	293,294 00
1900.....	6,53 00	1906.....	384,000 00
<hr/>		<hr/>	
Total...\$	129,711 75	Total...\$	1,322,279 00

The difference in the two six year terms amounts to \$1,192,567.25 net.

The new system largely accounts for the difference in income for the four years, and, besides, the counties observing what the State was getting under the new State system finally induced the operators to increase the sum allowed for county convicts.

I had hoped before my term expired to see purchased one large plantation of the very best land providing quarters for all those convicts who are not fit for very hard work, dividing it up into quarters for women and children, tuberculosis people, for a general hospital, and for quarters for men, placing it all under one great management. This must be done in time.

A profitable departure for the State in the near future will be the opening of mines on the State's own account, and thus securing the operators' profits. If this is done

and properly managed the income from such convicts as may be used in the work should double the present income of an equal number of men so engaged.

COUNTY CONVICT SYSTEM.

The County Convict system is a reproach. Four years ago I advised a change of one line in the Code, requiring hard labor agents to receive the approval of the State Convict Department to proposed contracts. This would have practically put the control of the county system in the State Department. That Department was willing to see that adequate pay was given for the service of these convicts, and particularly desired to so place them and in sufficient numbers that its agents could the better overlook them. The simple remedy proposed would have added to the fine and forfeiture fund of every county and inured particularly to the well-being of the poor unfortunates. The present system is beyond words. I hardly trust myself to write of it.

CONVICT EARNINGS AND WHISKEY LICENSES.

I am persuaded that the earnings from the State convicts and as well the money derived from whiskey licenses should go to the schools, the division looking particularly to the support of reformatory institutions. One half of the criminals, certainly, I should say, are made so either directly or indirectly by the use of ardent spirits. The convict camps are largely camps for whiskey graduates. Why not take the earnings then of these unfortunates and the income from licenses to reform the boy, or strengthen him through a proper education, against future temptation. This would be a great departure from the State's financial system, and ought to be provided for with due reference to future possible treasury balances. In this connection the Municipal Code which you are to draft might provide for a minimum license for the sale of whiskey, which should be higher than known in the average city of this State before. I take it that you will pass a local option law, but not less important is a higher minimum license, dependent upon population.

BUCKET SHOPS.

One of the crying evils of the day is the gambling done through what are known as bucket shops. I am sure you will agree with me that they ought to have no legal existence in Alabama.

THE SURPLUS.

The state treasury on December 1st had a balance of \$915,304.40. That is a lower point than the balance had reached in one year and would be lower than it would reach in another year, the treasury receiving and disbursing the same amount as the past twelve months. It is what we call low water time and low water mark. It marks the exact day when the income from the new tax year gets larger than the demand on the treasury. It is an absolute surplus. Indeed, I might say that the surplus is a round million, because the half year interest due on the first day of January had been taken from the treasury before December 1st and sent to New York. There may be some discussion of this position, but the money is in the treasury and it is a real surplus. The discussion, or seeming doubt of its nature grows out of an old law, which I think has been improperly interpreted by some officers, requiring school money collected in a past fiscal year to be set aside for schools in the next fiscal year. If such can be called the law now it ought to be repealed because it has never been observed in actual practice and is a most foolish provision. There is no earthly reason why this year's schools should not be taught with this year's money instead of last year's money. There has been no habit of setting the school money aside or any other money aside. For years until the latter ones, the treasury has run down at low water to the very bottom and to the last dollar.

If the State might be considered a firm or corporation and had gone out of business on December 1st, the balance of, certainly as much as \$915,304.40, would have been distributed to its stockholders. It would have been free of any obligation which could have touched any part

of it. The stockholders in that case would have been entitled to it as a dividend.

The net balance for the last year's business amounted to \$396,954.99. That is to say this amount was received above the disbursements and may be called the year's profit.

OFFICERS REPORT.

I call your attention to a number of recommendations in the respective reports of the State Auditor, the State Superintendent of Education and the Attorney-General as being worthy of your interest. Copies of these reports will be distributed among you.

A FINAL WORD.

You may be interested to have, in a word, the more important changes which have come to the State in the last six years or during the terms of the present administration, and the more important results of the State's activities in several directions.

You have a new constitution. I place it first in importance. Experience will prove and has proven that it will need some amendments, but I class it above all the other blessings of these years.

You have a uniform text book system, which effected a large saving to patrons of schools and furnish a vastly better average book for the pupils.

You have now monthly paid teachers, whereas six years ago they were paid quarterly, and this reminds me that the unfortunate men and women on the pension rolls might get their pittance as often as half-yearly, or perhaps quarterly.

There has been an increase of real and personal property from \$266,000,000.00 in 1900 to \$384,000,000.00 in 1906.

The years have brought a reduced tax rate. The reduction from 7 1-2 to 6 1-2 mills was effected four years ago and has amounted to a saving to the tax payers of about \$300,000.00 a year.

The old soldiers have had in six years one and a half million dollars more than for any other six years in the State's history, running from \$115,000.00 in 1900 to \$473,000.00 in 1906.

The schools have had better support. There has been paid out to teachers in this State and from the State treasury alone, in the last six years two and three quarter millions more than the aggregate of any other six years in the State's history, practically doubling the amount used in any other six years.

There has been retired \$300,000.00 of the State's debt. The bonds to this amount have been paid and await your committee to burn. The money for this purchase represents perhaps the first dollars paid out on the State debt since the war.

Whereas we paid as interest on the public debt in 1905 \$448,880.00, we will pay as interest on the public debt in 1907 \$357,650.00. Here we have an actual saving of \$91,230.00, and for each of the coming years.

The net income from the Convict Department in six years has been \$1,200,000 more than for any other six years, running from six thousand in 1900 to \$384,000 in 1906. This last sum probably amounts to as much as the net aggregate from the same source in the thirty years ending in 1900.

The purchase and payment of additional grounds for an extension of the Capitol site and the building of a harmonious and sympathetic addition to the beautiful old building.

A vast treasury surplus.

I want here publicly to extend my thanks, and to express my appreciation, of the uniform courtesies shown me in the conduct of this great office. Not only was the Legislature which preceded you considerate of me in every way, but I have met with nothing but courtesy from the heads of the executive departments and their clerks during my entire administration. It gives me exquisite pleasure too, in speaking of them to say that in my opinion, no more loyal, efficient and

patriotic set of public servants has ever surrounded and aided any Governor. My own immediate official family has been most exceptional and remarkable. I will remember their singleness of purpose and uniform courtesy and kindness always.

If the administration of the State's affairs for six years has been a success I am only entitled to share in the praise with the heads of the departments of the State Government, my own, and their loyal force of helpers.

You will allow me to express the hope that the stay of each of you in Montgomery may be pleasant; and profitable, as I am sure it will be to the State. Moreover, and further, that the days of your after life may furnish you no regrets for your course here, but on the contrary, that you may be able always to feel that, every day, you rose to the height of your great opportunity and your great duty.

WILLIAM D. JELKS.

MESSAGE
OF
GOV. B. B. COMER.

To the Senate and House of Representatives:

In accepting the great trust conferred upon me by the people of Alabama in nominating and electing me governor, there seems little need of extensive statement of the principles which shall guide me in the discharge of my official duties. On many occasions, in numerous addresses to the people and in frequent communications through the press and by circular I have expressed my views concerning State affairs and existing conditions. You will understand that in the last campaign for State offices there practically was no disagreement as to the vital issues which concern the people of Alabama. The selection of officials turned largely upon the question, who the people thought would best carry their demands into statutes and into execution for their benefit. Not only was there no pronounced disagreement as to vital issues before the people, but none developed in the state convention of September 10, 1906, which was one of the most representative assemblages of Alabamians since the civil war. That convention without a dissenting vote adopted and promulgated a platform, clearly setting forth the views and defining the demands of the people on the great issues of the times. So forceful was this platform, so clear cut and mandatory to you and to me, and to all loyal democrats, that I feel it incumbent upon me to reiterate its demands, suggesting, advising and praying that you enact them into statutes, thereby placing the responsibility of their execution upon the administrative and judicial branches of our state government. I most earnestly recommend and urge that you make the strongest laws possible, embracing all these demands, making them so plain as to render understanding of them unmistakable and their observance and enforcement easy and cer-

tain. There were many things, of course, not touched upon by the convention, nor alluded to in the debates in the campaign, nor embraced in the platform, which are very important, and must be considered and acted upon with prudence and wisdom.

THE STATE HAS PROGRESSED.

The state has progressed wonderfully within the last twenty years. Formerly a strictly agricultural people, marketing only cotton, now we have added coal, iron, steel, cement and lumber, and cotton, wood, iron and steel manufactures, and largely advanced mercantile interests; to properly develop and exploit these, and properly place the people of this state in a position commensurate with the full development and utility of their advancement, it will be necessary to change in many respects the economic laws of the state. We should place our benevolent and educational systems on a much higher plane, with broader scope, making the former adequate, and reaching with the latter from the remotest rural schools, through grades of higher and still higher education, to our university. We should come to understand that money spent in these causes, though apparently lavish, is not misspent because we must meet these great responsibilities in the most liberal way.

We should make our judicial system adequate to the advancement of the people. We should enforce, with strong hand and sufficient protection, the quick and sure execution of the laws, driving out of our borders those with criminal instincts, habits and practices. We should remedy that tardiness of the law which has become a part of our court procedure, on account of inadequate facilities, and should insure to the people justice, speedy as well as sure. We should disbar the technicalities of the law, insofar as proper execution of justice demands, making of our courts such prompt and complete administrators of the law and justice that even those who suffer from the most heinous offenses will be willing to trust to this great protective design of civilization and eliminate a disposition to again violate the law by taking the execution of the law into their own hands.

The transportation charges and methods of our railroads, river, express, telegraph, telephone and other public service corporations are crude in the extreme. We fully recognize that the railroads and other public service corporations are entitled to just returns on their investment in this State, provided exorbitant charges are not exacted. In all their legitimate interests such corporations are entitled to protection by law. We recognize the rights of all corporations which conform to the laws to do business in our state, their rights and privileges being protected in the same measure as the rights and privileges of any other citizen or strictly private corporation, and I pledge the faith of this administration to the full protection of our corporations in the proper exercise of their lawful functions. At the same time, we recognize the rights and privileges of the citizen, whether he be a manufacturer, producer, a laborer or a consumer. All political economy teaches that the best interests of the State are protected when the rights and interests of these classes are fully safeguarded by the law. In the last analysis, where the interests of the corporation and the masses clash and are at hazard, if one or the other must take the risk of injury or loss, statecraft, with unerring judgment, decrees that it is less dangerous first to secure the interests of the people. Just as the bottom rail of a good fence should be picked as the soundest and best, just so the manufacturer, producer, consumer and laborer, constituting the bottom rail of our State's economics, should have our first attention, careful and protective.

While the following recommendations for the protection of the people may be some interested interests be called drastic and destructive, they are no innovations on the customs of sovereign states, and I have only to cite the enforcement of the law as prevailing in Texas for many years, and in Iowa and Illinois for many years, and in Virginia, North Carolina and Georgia for the conclusiveness of what otherwise might be called an experiment; I cite to you the relations between and charges in those states by the public service corporations, in contrast with the same conditions in Alabama. All

of these states have clearly defined law-made freight rates, express rates and telegraph rates; Alabama has, according to the recent history of the State, the protection of "the conscience" of the carriers and public service corporations, and that conscience, by their own admission, "limited to what the traffic will stand."

Alabama has been kind and generous to the railroads and public service corporations. The state has given much money and large areas of land and valuable franchises, and according to the admission of the railroads the "fairest laws" and the most unrestricted conduct in the management of their affairs, perhaps, of any State in the Union. With these generous conditions and "fairest laws," the railroads and public service corporations have taxed our people with the highest freight rates and charges, the lowest tax valuation, in many instances the poorest car service, and the most arbitrary and one-sided rules and regulations, that prevail in any of the states through which they run or do business. They have maintained at our capitol a paid lobby for the purpose of influencing and dominating our laws; their agents have even occupied our capitol without any apparent recognition of the evil of it; they have used graft and money on our electorate for the purpose of controlling our elections; they have multiplied their stocks and securities without proper foundation, and claim the right within our law to tax the people a sufficient sum to pay interest thereon. All history shows that corporate greed, unrestricted, sooner or later regards the people as altogether proper subjects for their taxation, spoliation and plundering. The situation is most dangerous to the proper development of our state and the proper security of our citizens.

NEW RAILROAD COMMISSION LAW.

In conformity with the demands of the people and the platform of the democratic party, and for the purpose of securing the people against these onerous and destructive conditions, I recommend a railroad commis-

sion law, giving the railroad commission adequate power and means to make investigations concerning the rules of railroads, their charges and their methods of doing business, and to put restriction on their charges and to establish between these corporations and the people such rules and regulations for business and service as will be fair and just to both parties alike.

The present railroad commission law was a compromise measure and of doubtful validity, and should be supplanted by another, giving said railroad commission plenary power and adequate means to carry out these, the just demands of the people. It is my conviction that the platform carried the voice of the people, and it is your highest duty and mine to comply with its demands and enact and enforce laws in conformity therewith.

MAXIMUM RATES.

The state of Georgia through its commission more than twenty-five years ago established the price of freight on all the articles of common manufacture, production, consumption and use, and these rates have constantly been maintained since, and the evidence from Georgia is that all the railroads there have prospered. These rates are much lower by comparison than the same roads charge the freight-payers of Alabama. The tonnage of Alabama has outstripped that of Georgia and other neighboring states by far, and there is no reason why the price of freight on any road in Alabama should be higher than in Georgia or any other neighboring state. I recommend the enactment of laws fixing a maximum freight rate not to exceed the present freight rate in this state. In order to give to the freight-payers of Alabama the quickest relief and the surest relief, I recommend that you enact a statute naming the classification and rates of freight on all the articles of common manufacture, production, consumption and use not to exceed the present classification and rate on such articles in the State of Georgia, which rates shall not be increased ex-

cept by statute, but may be reduced by the railroad commission of the State, or by the carriers themselves.

I recommend the enactment of a law, fixing a maximum passenger rate of two and a half cents per mile on all railroads in Alabama.

WATERWAYS.

The port of Mobile and the water-ways of the State are the most valuable assets of the State. These assets are now throttled by the railroads. They are intended by the large expenditures made on them by the government, and intended by nature to be of the greatest use to the State; the regulation of the intra-state traffic depends in the largest measure upon their use, and it is akin to criminality to allow them to be held in such utter uselessness as at present; being neither freight carriers nor freight rate makers.

I recommend the enactment of laws requiring that all railroads operated in this State shall give said port and waterways the recognition their importance deserves, and that they may be made basing points for fixing rates into and through the State; and that you authorize the railroad commission to incur any needed expense to carry out this requirement, and that you enact all necessary legislation in this particular.

WATERED STOCK.

Railroads and other public service corporations have at their volition increased or watered their capital stock and securities without regard to the true value of their properties. Under the law they claim the right to assess the people taxes to cover interest on securities whether stocks or bonds. The State owes it to its citizens to intervene protection against these specious securities. Therefore, I suggest a law that in the reorganization of any road or public service corporation, or in the building or erecting of any new road or public service corporation that the amount of securities that may be issued against its properties must be submitted to a commission with

the proper authority to cause a survey of the property or properties, with reference to the proposed valuation, and that such valuation be limited to the result of that survey or report, and no securities shall be issued against those properties without the authorization of that commission.

I recommend laws prohibiting the increase of capital stock or securities by railroads and other public service corporations doing business in this State, unless the proposed increase of said stock or securities be first submitted to the railroad commission of the State, or other proper authority, and approved by said commission or said authority.

ONE FREIGHT TARIFF.

The practice in this State for one railroad company, owning two or more lines within the State, to use freight tariffs as if all these lines were individual or separate roads, is very much to the disadvantage and cost of the shippers. I therefore suggest that any railroad which owns and operates any other railroad in the State, shall be required to have one general freight tariff, and the cost and charge of the freight shall be based on a mileage as one continuous line and not as the sum of two locals.

And I further suggest a statute requiring that, where one railroad owns the majority of the stock of any other in the State, the business of the two shall be conducted, so far as freight tariffs are concerned, as one railroad.

CAR SERVICE AND DEMURRAGE.

The car service and demurrage rules established by the railroads, imposing a charge against the shipper or consignee for the detention of cars, or delay in taking the freight from the depots, are correct in the principle that no one has a right to use or retain the property of another without paying for same. But these rules are entirely one-sided, they are made by the railroads themselves. They impose charges and penalties upon the

shipper alone, and when on account of their own negligence and delays the shipper suffers like loss for their failure to deliver or move his goods promptly, or within a reasonable time, there is no corresponding charge to reimburse him. This is manifestly unjust, and I recommend laws that car service and demurrage rules be enforced by the railroad commission, treating both parties alike in the matter of forfeitures or pay for unreasonable detention and unreasonable service.

REBATES.

I recommend laws prohibiting the giving of rebates by common carriers in this State and prohibiting the acceptance of same by shippers.

DISCRIMINATIONS.

I recommend a law preventing discrimination in the price of freight to the shippers of the State, establishing that any shipper of carload lots shall have the same rate as any other shipper of carload lots—the same rule of equity to apply to any shipper in less than carload lots and prevent discrimination of every kind or character by any public service corporation. It is not to the interest of our State that there should be discrimination against any industry, any business or any man.

I recommend the enactment of laws, requiring common carriers to supply shippers without discrimination with adequate facilities for the prompt moving of their freight and the imposition of such penalties on said carriers as will force them to supply such means of transportation and prevent discrimination.

INSPECTION OF BOOKS.

I recommend the enactment of laws, requiring common carriers in this State to submit their books, papers and records to the inspection of the railroad commission or other proper authority, and also to submit their agents to an examination under oath by said railroad

commission or other proper authority, for the purpose of determining the actual amount of capital invested in their properties in this State as well as their earnings and expenses in operating their lines within our borders. I further recommend that the railroad commission of Alabama, or other authority, charged with this investigation, shall be supplied with ample means out of the revenues of this State for making such inspection and examination.

CLAIMS.

The method of the payment of claims for lost or damaged freight and stock killed by the roads, and for loss for the non-performance of their duties and contracts, is very irregular. While some of these claims are settled promptly, the settlement of a very great many are delayed for months, even years, and many of them lost entirely. The carriers themselves recognizing the importance of the prompt settlement of such claims when due them, enforce the rule that they will deliver no more freight until their claims are settled. In other words, establishing a law unto themselves for quick and inexorable settlement and without cost to them of a suit. I recommend a statute requiring the prompt adjusting of these claims, and when correct, the prompt payment of them, and some method of collecting such claims that will also be without loss to the party to whom they are due. This is made necessary by the policy of many of the roads to carry these claims from court to court, evidently for the purpose of wearing out claimants and making too costly an appeal to the courts by the party suffering.

EQUALIZATION OF VALUES.

The railroads maintain three sets of values in the State, one the amount of their stock, bond and security issues; another to the State Auditor for the purpose of being taxed for the benefit of the State, which is their lowest valuation; and the other given the railroad com-

mission for the purpose of taxing the people of the State, which is the highest valuation, and on which they claim are entitled to earn eight (8) per cent. As it is right for the State to tax them only on actual value, and as it is the law that they shall be entitled to earn, where there is no extortion, interest on actual value, and as the freight rates must in the largest measure be based on this value, it is necessary for the State to ascertain and fix that value. I recommend that the railroad commission be empowered to hire experts to ascertain the actual mileage, both main lines and side tracks, the value of terminal facilities and rolling stock, and of any other property and asset, and to ascertain in connection with the railroads themselves, the true value of these properties and have them so listed for taxation, and have them in evidence in the very important matter of fixing fair freight rates for the State, and I suggest that you enact laws to carry this out, and appropriate adequate means to be paid from the treasury to cover the expenses.

LOBBYING.

A paid lobby swarming our capitol and interfering with our legislators, is in the highest sense debauching, destructive and hindering to equitable legislation. Only the rich can afford to pay a lobby. This, in itself, would tend to make the laws, which propose to control and restrict the strong and the corporations, partial to the very parties proposed to be controlled, and I recommend the enactment of a law requiring any and all employed agents, attorneys or representatives for special interests, who desire to present their views, or views of their principals or clients in regard to pending or anticipated legislation, to register in special books, to be kept by the clerk of the House of Representatives and by the clerk of the Senate for that purpose, which book or books shall at all times be kept open to inspection by any person, the following statement of facts concerning themselves and their employment, viz: 1. The name and residence of said agent,

attorney or representative. 2. The name and principal business office or address of the person, partnership or corporation represented, together with the occupation of said person, partnership or corporation. 3. The legislation in which the person, partnership or corporation thus represented by him is interested. 4. The compensation paid, or agreed to be paid to, or received by said agent, attorney or representative for his services in behalf of said person, partnership or corporation.

DOMESTICATION OF CORPORATIONS.

The practice of exploiting Alabama franchises by other States is dangerous and destructive to our business interest. I recommend laws requiring any corporation whatsoever, before doing business in this State, to become domestic corporations in accordance with our laws, and I recommend that suitable and liberal laws for their domestication be enacted.

CORPORATIONS IN POLITICS.

The practice by corporations whether public service corporations or corporations in private interest, of contributing to campaign funds or a political party or candidate is debauching, demoralizing and destructive to the best interest of the people. I suggest the enactment of laws prohibiting and preventing this, and also recommend the enactment of laws prohibiting and preventing the use of money by corporations directly, or indirectly, for the purpose of influencing any election, or any legislature, or any officer of state, city or county. I urge stringent laws to eradicate this evil.

I recommend the enactment of a law prohibiting corporations from requiring or permitting their employes, servants or agents to work in political contests.

FREE PASSES.

I recommend the enactment of laws imposing adequate penalties on common carriers or public service

corporations for the issuing of free passes of every character and the rendering of free service of every character to any person or persons, except actual bona fide employees and members of their families.

And I further recommend that proper penalties be imposed on any person or persons accepting any such passes or free services issued or given by said carriers or public service corporations.

RIGHTS OF EMPLOYEES.

I recommend laws giving to employees of common carriers in this State rights and remedies equal to those given by the recent act of Congress to employees of interstate carriers.

PERSONAL DAMAGES.

I recommend the enactment of a law which will give the citizens of this State the same or equal protection in claims for damages on account of injury or death that citizens of this State now have by law in claims for damages on account of injury to cattle and things.

SUNDAY OBSERVANCE.

I recommend the enactment of laws requiring railroad corporations to observe the Sabbath day by prohibiting them from operating freight trains in this State on the said day, except for the transportation of perishable freight.

PUBLIC SERVICE CORPORATIONS.

Express, telephone, telegraph and all other public service corporations should be put under State control. I suggest that you enact statutes placing them under the control of the railroad commission, and having their charges, rules and methods, in relation to public service, subject to the same general laws that you make to establish said relations between the railroads and the railroad commission.

TAXATION.

To carry out the requirements of the State government, a very large amount of money will be required. As you know, the money of the State is derived by taxation, whether it be license or direct tax; all the same it is taxation. I will caution you that too low a tax and too little money to meet the economic and just demands of the State are just as dangerous as too high a tax, and too much money are oppressive, burdensome and debauching. A good government is not necessarily a cheap government; you can carry your smallness of appropriations and stinginess of method to an extent that would be most hurtful to the very best interests of the people. Mr. Flower, one of the greatest governors New York state ever had, contended that you had to spend money to make the most successful conditions, both as to business and government. In State affairs this means that you have got to keep to a vigorous standard of excellence the benevolences, the judiciary and educational vitalities of the State. These things I am sure you will agree should be done as an economy and not as a charity of the State.

It is a mistaken idea that our treasury is overflowing with money; the treasury can have no more funds than its sources will supply. It is true it is full today; it is true that you can empty it by appropriations, and that when you have once used it, unless the sources of supply will meet the appropriations of today and the cumulative appropriations of the four years to come, you will be in the condition of the Prodigal Son.

The Auditor's report, page 15, shows on October 1, 1905, there was in the State treasury a cash balance of \$1,401,542.73; on December 1, succeeding there was \$500,952.52. Auditor's report, page 16, September 30, 1906, shows \$1,814,853.37; on December 1, succeeding there was 1,085,725.17. From this statement you can see that there are not millions in the treasury, as the treasury has no more than the amounts named on December 1 of each year, and if there had been appropriations for more than these amounts there would have been a deficit.

I estimate that with the present valuation of taxable property in the State, at the present rate of taxation, that the State will have for each year for the next four years a surplus of about \$400,000. In other words, with the present status of valuation and taxation, it will be only safe to use for cumulative appropriations about \$400,000 per annum. But it is notorious that a very great deal of the properties of the State are without parity in tax valuation, and the State owes it to every citizen to adopt some method of equalized taxation which will secure practical equality of valuations to all. It is right that a man should pay taxes on his property at a fair valuation, if it consists of ten head of cattle, two mules, a wagon, buggy and fifty acres of land; it is right that a man should pay on the same standard if he has 1000 head of cattle, 100 mules and 1000 or 10,000 acres of land. It is equally right that a man should pay the same ad valorem of valuation if he has property worth one million or hundreds of millions, and it is also right that he should pay on property whether that property be a stock of goods worth \$1000, or a franchise worth a million, or timber lands held for sawmill purposes with the taxable valuation entirely in the timber; as soon as the timber is cut the taxable interest of the State will be gone. The taxable valuation of timber land is a very different proposition to the fifty acres, 100 acres, or 1000 acres of the timber land of the farmer held on his place for farm purposes, and which will stay there indefinitely as a taxable value for the State, and this difference should be so listed in the taxable returns of the State.

A man with large holdings of city property and public service property, a man with thousands of acres of coal and ore lands, a man with a franchise worth a million or tens of millions, a man with a railroad worth many millions should ratably and proportionately pay his share of the taxes; as a rule none of them pay it. Right here I will call attention to the growing prejudice against corporations, and my belief is that one of the causes of prejudice against corporations is the successful manner in which the large holders secure the lion's

share of government protection and pay the least part of the cost for that protection. It is too evident that the tax values of the properties of the State require equalizing. There is a great deal being said about the tax values of farm lands and the smallness of same. If the tax values of the State were equalized, bearing on every property alike, the strong like the weak, the rich like the poor, would pay in proportion to their property holdings, on the same parity of value, and it is the judgment of all that the monies of the State should be ample to meet every reasonable requirement of the State. If you will accomplish without fear or favor this great end your economic appropriations will be safe and the administrative task easy.

STATE BOARD OF ASSESSORS.

The tax values of the State are very crude, irregular and unequal. Time has shown that it is practically impossible for the tax assessors of the different counties to establish equitable and just values of the properties, and particularly so when it comes to the comparative relations of the different counties in the State. Therefore, I suggest that you establish a State assessing board, composed of three members, giving them general supervision of the tax assessments of the State, and whose duty it shall be to equalize the values of all property in the State so that the same general relation will be established for assessing tax values on all the property in all of the counties of the State.

I recommend that railroad properties and the properties of other public service corporations in this State shall be assessed for taxation at a valuation in proportion to the valuation they give in for the purpose of fixing freight rates and charges on the people of the State.

I recommend that franchises, which have a money value, shall be classed as any other property in the State, and shall be valued as any other property in the State and pay taxes.

ASSETS AND LIABILITIES.

The assets of the State, according to the Auditor's report September 30, 1906, page 16, were 1,814,453.37 in the treasury, and liabilities, or regular appropriations, against same of \$1,481,343.47, leaving \$333,108.90 balance in cash in the treasury after all demands paid. As per the Auditor's report on December 1, 1906, there were \$1,085,725.17 against which there were an unpaid balance of \$50,000 for capitol improvement, an unpaid balance to the common school fund of \$894,977.53, the 2 and 3 per cent. fund of \$3,264.39 and the Polytechnic Institute balance of \$10,293.75, making \$968,475.54. In other words, if the State's debts at that time had been paid, there would have been a balance in the treasury December 1, 1906, of only \$117,249.63. In the event the State had appropriated last year \$1,085,725.17 more than it did, there would not have been anything in the treasury to pay the charges against the State. Referring again to page 16 of the Auditor's report, showing the net surplus of \$337,000, it would seem that this is a safe amount, subject to any cumulative appropriations that you might make, and by the Auditor's report December 1, 1906, of \$1,085,725.17 in the treasury, if you were to make individual and cumulative appropriations to that amount, you would consume all the money in the treasury and it would not be safe to go beyond that amount.

This condition of the State's funds does not evidence millions in the treasury. It is true that at some seasons of the year when the taxes are practically all in and the appropriations not due and not paid, the amount in the treasury looks large, but at other times of the year when more of the State's indebtedness is paid, the amount in the treasury is very much smaller, and it would be very dangerous for you to make appropriations based on the maximum amount in the treasury. You can safely base your appropriations only on the minimum amount in the treasury; it does the State's credit no good to be compelled to go out and borrow money to meet an expense account. To make safe annual in-

creased appropriations up to \$1,000,000, I have discounted that you will establish a method to equalize the assessed valuation of property for taxation and consequent increased tax returns of the State that I think will give the State an increased assessment of \$75,000,000 a year, and tax returns from that amount.

I would suggest, therefore, that you appropriate first for the care of our most urgent requirements those which are absolutely necessary, and bring the most lasting benefits, and which should not under any circumstances be put aside or compromised. The treasury of the State cannot be likened to the fruit in an orchard that is distant from the watchful care of its owner, apparently licensing any passer to step in and help himself; it must be under the most watchful care and guard of the protectors and lawmakers of the State, and not necessarily subject to the promotion of the various schemes which will be presented to you. We must all remember that these monies come from taxes, levied on the properties of the State and should be used, not as liberalities, but for those just and economical demands which build up the properties and interests of the State. The establishing of new offices and new expense is easy, the maintenance of them will be an additional charge on the properties of the State, and should be entered into only after the most prudent investigation and deliberation.

SUB-TREASURIES.

The State's method of keeping its monies out of use, hid away in vaults, is akin to the old system of putting money in your stocking or hiding it away in a stump, behind a jamb, or under the bricks of the fireplace. Aside from the danger of this method, it is quite a loss to the business interest that this money should be locked away from the channels of trade. And I would suggest the enactment of a statute authorizing the State Treasurer, with whatever adjuncts of co-operation or advice you may deem best, to deposit this money with the banks of the State under clear conditions of security by depositing with the treasury State bonds; and also some

plan of competition as to the amount of interest to be paid on said deposits, and the method of distributing through the State according to the requirements and best interests of the treasury.

CONVICTS.

The present arrangement governing our convicts seems to be giving reasonably humane treatment to the convict and large revenue to the State, meaning by humane treatment that consideration commensurate with the nature and condition of their employment, the State having changed its policy from attempting to give the convicts the hygienic conditions of a farm and outdoor exercise to the condition of more secure keep and larger earning capacity. "The way of the transgressor is hard;" it would be difficult to devise a system securing the deserved punishment, at the same time carrying out the full hygienic conditions and humanity of treatment. I would suggest that this arrangement lately instituted should be fully tested, making from time to time such improvements as may be necessary.

The methods of hiring and working and treatment of county convicts have been criticised. I would suggest your investigation, and remedial legislation.

JAILS.

The jails of Alabama for the keep and care of the prisoners are in a great many instances in a very crowded state and require your investigation and remedial legislation.

The practice of hiring the board and keep of a man in chains to anyone who expects to make money from the economy of it, or the saving of it, is wrong in principle and is obliged in a great many instances to bring about serious abuses. Besides being the object of cupidity in the making of money, it also excites the disposition to keep the jails full for the purpose of making more money. The State very wisely took the care of the convicts in its own hands when hiring them out be-

cause it was found by experience that serious abuses by not giving the proper food and good care were the result.

The report of the convict inspectors, Dr. Bragg chairman, shows this to be the case, and why should the State continue to practice out of date methods of farming out the care of prisoners of the State at so much per diem, when every history shows that this method has almost without exception been abused. A man in jail is in the custody of the State and humanity demands that he should have reasonable care. I suggest laws making it a part of the State's duty to feed its own prisoners, and also suggest a law to have a State inspector of the jails of the State. I think this would be in the interest of both humanity and economy.

THE YOUTHFUL OFFENDER.

The State has rightfully proposed to divide the two, that is, the adult and youthful convict. The first step in this line being the incipient home and school at East Lake. The work accomplished by the ladies with what subscriptions they could get from the public and the meager help from the counties and State has been wonderful; and the success of this work, bounded in as it has been by its meagerness of funds, is best attested by inspection of same. I strongly recommend that a sufficiency of the general fund be diverted to the upbuilding and enlarging of facilities for the care, not only of those there, but whatever of other numbers there may be necessary to be sent, to keep them separate and keep the best influences around these boys at the beginning of their life, giving them every opportunity that the State can furnish for reformation. As long as we recognize the principle that bad company is destructive even in our home life, how much more so must it be in the chained or convict life; and if we in our homes recognize the importance of securing good influences, how much higher is the duty of the State to separate these boys and give them the best influence rather than the worst?

I strongly recommend sufficient appropriation to secure dormitories and facilities for the keep of all the youthful criminals, and it will in the end, if there be anything in the axioms of life, be much more economic and upbuilding to the State, speaking on surface grounds alone, than to let them go on with the associations of adult and hardened convicts of the State.

MANUFACTURES.

It is evident that the tariff as a policy of the United States government is here to stay. It is also evident that Alabama being largely agricultural has not shared in this species of patronage and benefit given by the government. As a matter of State policy, we should give our people the opportunities for versatile employment, and should give our State a chance to share in that great wealth made by other States in the manufacturing of goods of every description, particularly that of cotton.

At 10 cents a pound our farmers make money and get a fair return on their lands and labor, and this wealth stays within the State. The average amount per pound which the manufacturer makes is 12 to 15 cents per pound; we could more than double the value of the pounds of cotton raised in the State by manufacturing it in the State. If the State could manufacture every pound of cotton that it grows, giving that much additional employment to the citizens of the State, and that much additional wealth and value to the economics of the State, it would be a great point achieved. Also the State is now one of the largest owners of timber lands and iron and coal lands. If we could but get an equitable adjustment of the freight rates within the State so as to encourage the building of industries, which use crude materials, it would tend more than anything else to increase the wealth of the State, and to increase the citizenship of the State, securing the diversification of interests that the United States government encourages by its tariff system, and the State in following the policy of the government perforce would best secure it by adopting the same lines.

CHILD LABOR.

There is quite a development of cotton mills and mining interests in the State, and in both of these, particularly the former, boys and girls of tender age can be used. The best interest of the State demands that there should be a limitation of age and State supervision of their employment.

On the farm and in other outdoor work a continuance of labor is impossible on account of the vicissitudes of the weather. I suggest, therefore, that you introduce a graduated limitation of age, and also some method with regard to the introduction of compulsory education; thus, not only breaking into the possible continuity of indoor work, but also giving the advantages of education. At the same time, I will caution you that a great many people have gone to the mills to work because they have found by experience that they can earn more money and do better there than they can elsewhere, and in large families they can better take care of themselves with their earning capacity there than elsewhere, and it is a very serious matter for the State to assume the guardianship as to how and when these people shall work and direct and dictate to them by methods of law as to whether they shall or shall not work where they think to their best interest.

In the rural districts and in towns and cities there are many poor families, many poor families with children, and any one familiar with the conditions of such things would know that many of them could do better in the mill than elsewhere.

BIENNIAL LEGISLATURES.

Quadrennial sessions of the Legislature are too infrequent to meet the requirements of a rapidly developing and advancing State, and oftentimes too long delay relief much needed by the people. Fifty days for legislation for four years are too short a time in which to make proper investigation of conditions and acquire proper knowledge for the preparation of statutes neces-

sary for the care of the people. I recommend an amendment to the Constitution of Alabama providing for biennial sessions.

ELECTION OF U. S. SENATORS.

I recommend that you pass a resolution requesting our congressmen to favor an amendment to the Federal Constitution, to have the Federal Senators elected by the people instead of by the Legislature, as at present.

PRIMARY ELECTIONS.

The selection by a primary of all the officers, county, State and federal, has proven very satisfactory to the people at large, and has no doubt best served the economic interest of the State. This method of making an officer directly responsible to all of the voters of the State, rather than having them selected by conventions, has proven more satisfactory, and I would suggest the enactment of statutes requiring the holding of a general primary the third Monday in August preceding a general election, in which primary all the political parties of the State can vote for the candidates of their choice, whether candidates be for federal or State offices, and the cost of holding said primary shall be paid for by the State.

POLITICAL WORKERS.

I recommend the enactment of laws prohibiting all persons who may be hereafter employed for political purposes from engaging in the work of said employment until they shall first register their names in a book to be kept for that purpose in the probate office of the county or counties, in which they propose to work and state under oath by whom they are employed, and the compensation they are receiving or expect to receive for such employment.

THE MILITIA.

It is gratifying to note the high standard of efficiency and splendid organization of the Alabama National Guard. This standard should be maintained. I, therefore, recommend an adequate appropriation be made to this end and that every aid and encouragement be extended to our citizen soldiery.

PUBLIC HEALTH.

The matter of safeguarding the public health is one which will command your consideration, and in this connection I desire to call your attention to the statement recently made by an eminent medical authority that one-seventh of all the deaths in Alabama annually are caused by tuberculosis, commonly known as consumption, and that not fewer than 15,000 persons in this State are now afflicted with this dreadful disease. Progressive states in all sections of the country are legislating for the prevention and suppression of the "great white plague," and I commend this subject to your earnest consideration.

GOOD ROADS.

Transportation of whatever kind is one of the chief elements which enter into the cost of production and the creation of wealth, and its charges or costs, greater or less, largely influence the class of citizenship and the proportion of profit left to the producers of wealth, and we should encourage the counties of the State to maintain their public roads in the highest state of efficiency, and I recommend you to enact such statutes as may be necessary to carry this out.

LIFE INSURANCE.

The recent investigation in New York of the largest life insurance companies have shown this business to be wonderfully profitable, and also showed that they were

gradually absorbing the money of the country. The proof evidenced great mismanagement of the companies, and a large amount of graft and debauching influence. For the proper protection of the people, and as far as practicable, to save within the State the money of the people, and gradually prevent that going out of the profits of the State, to build up such institutions without the State, I would suggest that you investigate the propriety of making the State the insurance agent for the people of the State, giving the people the benefit of the very best conditions and of the best companies, and legislating as far as practicable out of the State the foreign companies.

LOCAL OPTION.

There is almost a universal demand that we have a well defined and equitable local option law. This has been debated through the State and is clearly understood, I will simply suggest that is one of the essential features of our great democracy that the great majority shall rule.

BUCKET SHOPS.

I recommend the abolition and extermination of bucket shops and every other form of gambling in the State of Alabama.

IMMIGRATION.

There is a great demand for labor in nearly every industry of the State; unquestionably many industries are being retarded by the scarcity of labor, and there is quite a demand that the State should lend its aid towards securing more workers by importing them from lands across the sea. There has been some suggestion of bringing in cheap labor, coolies and South Italians. I understand that Alabama has only eight tenths of one per cent. of foreign population, and suggest that while it would be to the advantage of every species of interest

to increase our citizenship it would be a very dangerous and hurtful proposition to increase that citizenship at the expense of the quality of citizenship. The introducing of a low class of labor under the general labor conditions of the State today, would tend to level our present labor and their pay to that class.

More than 40 per cent. of our population are negroes, furnishing a low order of labor. It is certainly a sufficient burden on the white men of the State to take care of, educate and build up the negro, and I can imagine no greater curse to the State than the introduction of a low class of white labor.

Statistics show that some 400,000 of our people have emigrated, evidently because the conditions outside of the State were better than those within the State. The present development and competitive demand for labor increasing wages, increasing the cost and value of product, would of itself tend to attract not only new labor, but also prevent the emigration of our own people.

Nearly all of our people are laborers, a very large per cent. of them do manual work, and very nearly all of the balance, whether as clerk or merchant, employer or employe, in the higher paid industrial and mercantile lines, depend on the price of labor for what they make, and you could strike no more vital blow at their welfare than to introduce a system of immigration that would tend to reduce the earning capacity of labor, on the farm or in the office or factory, or elsewhere. I would caution you to not be led across the best interests of our people and the future of our State by the clamor of those who to promote same present enterprise would lead you into the false position of introducing into our State a class of people that would hurt our best interest instead of amalgamating with our present citizenship and improving the future of the State. It is true that we want immigrants. Immigrants built Cullman county, immigrants have spread over all of our North, South and Southeast counties and a great many have come to Jefferson county, and they are still coming. This natural inflow and natural increase of our population will in time take care of a great many of our necessities. We

had better content ourselves with this influx and natural increase rather than take the risk of foreigners below a reasonable standard of excellence, and if the State gives aid, whether by the use of its name or means, to any immigration policy, it should be under many safeguards and restrictions.

THE NEGRO.

We have in Alabama 800,000 citizens of the colored or negro race. These people are a part of our body politic, and our duty to them and to ourselves is to help to remove from their way every obstruction to successful progress.

I was born and reared in Barbour county; have been affiliated with negroes in business all of my life, first as slaves, afterwards as free men; have worked, and am working, large areas of farm lands today with them the only laborers, and am familiar with all the environments attending these two conditions. I have always felt a friendship and lively interest in their welfare, and these suggestions to you and to them will be with the intent of kindness and the wish for good.

I am grieved to say that there is more friction now between the races than there has been for years, and I believe that this friction is growing. How to stop and reverse the current is a question well worth our study and their attention.

It was an unfortunate experience the United States made to take negroes fresh from slavery, never a moment's education or information as to the principles and rules of government, without knowledge or experience of freedom, with no conception of the power or responsibilities of a free citizen and free ballot, and with no experience in even governing themselves; their leadership being that of the carpetbagger, a man new in our midst, with unsympathetic and entirely Shylock disposition, coupled with the scalawag, the publican of the South, and backed by federal troops lately marching as enemies. This conglomerate of ignorance, cupidity, vice and power was installed in governmental province and made the ruling factor of this State.

In other words, in its partisanship for the negro the United States government by its then ministers made the negroes of the South, the rulers of the South. This experiment was made in the face of the fact that like experiments have never succeeded. The experiment was made at the dictation of men whose descendants still in the control of the federal government have rightly sent the American army to Cuba, a foreign territory, to keep a high order of this class of men from accomplishing just what our negroes were, by the federal government, encouraged to accomplish in our own State. The descendants of these men have sent 20,000 troops, one-third of the United States army across the continent and ten thousand miles farther across the sea to keep a higher order of men from accomplishing the same thing in a country that they have owned for a thousand years, a people whose condition is superior to that class of men the same people made the ruling factors in the South. The 13th, 14th and 15th amendments, together with the United States army, were thrust under the negro of our State and over our citizens for the purpose of giving the negro a status that from the very nature of the case was impossible for him to fill. Experiments can be made in a hot house, exotics under forced conditions can be grown anywhere, but it must be as an individual, it can never be done as a genius or a race. Stalks of cotton can be grown in Massachusetts, a field of cotton cannot. Exceptions can be grown so that they will be the intellectual and moral equal of any one, but the race to which the exception belongs has not yet climbed that ladder.

The experiment made by the federal government with the negro as a political factor and governor of the South was a failure, the cost of this experiment to the South cannot be calculated, and while the whites have removed them from political power, they have given them along with the other people of the State a stable and respectable government. The whites have, out of their poverty, contributed millions to the education and up-building of the negro youth. In this work they have been constant and patient and have labored for nearly

half a century, and while bearing this great burden they are hopefully looking to the future for a solution of the race problem, so-called, and if successful in helping the negro to attain a high moral, industrial and educational position they will have accomplished that which has never been done before. It is needless to say that this difficult task will be impossible unless the entire co-operation of the negro himself is secured. Instead of cultivating habits of friction, a good disposition of one to the other should be encouraged; instead of living lives of vagrancy, industry must supplant it; instead of violating every law of economy, thrift must be attained. Time is the only true orator of economics and of conditions of people, and any law which tries to enforce false conditions will find a subsoil of underlying hardship through which and over which nothing prospers. Sentimental legislation and fanatical establishment of false conditions are from the very nature of the case ephemeral and impossible.

For the State of Alabama I can assure that race rights and kindness, even the leniency of government along protective and upbuilding lines. I believe that the law should deal more than friendly with them, that the pardoning power shall be stretched in their favor rather than drawn taut against them, but I will again caution them that the practice of friction against the whites can accomplish no possible good and can only eventuate in serious results.

The question of social rights has been settled, settled even before the 14th and 15th amendments of the constitution of the United States were adopted, were settled by a higher power than all the white people of the South, or all the white people of the North; it was settled by the Anglo-Saxon race. The color line is older, longer, broader, more comprehensive and lasting than that drawn by Mason and Dixon—God Himself established the metes and bounds of it, and it is eternal. The white men of America will unite whether they be from the North or the South, East or West, the prophetic scroll of all time will forever rewrite the principle that the Anglo-Saxon race, whether they cut off the head

of Charles the First today, whether they hang the dead body of a Cromwell tomorrow, whether as Puritan, Quaker, or Cavalier, they will unite and stand together, and what is the use of discussing and fighting over these things in this good year of 1907?

There is one method for the negro to climb in life, and only one, and that is the same to every nation, and that is, up the ladder of successful, unaided accomplishment. All the laws ever enacted cannot make a nation. The unwritten law of every age is that you must succeed by your own merit. The law can give, and should give, the weak and helpless a chance, but this is all the law can do—that chance or opportunity so given must be availed of by those to whom it is extended. We can by our conduct and by our law help to give the negro a chance to find that path which leads upward, but that we or any one else should carry him there is impossible. The very expectations that have been created in the negro by special conditions, or special law, have been his curse, and the sooner as a people, whether North or South, they understand these things, the better it will be for them and the better it will be for their white neighbors and their white friends.

In Alabama there is not one negro in twenty who pays any tax whatever, including poll tax. The poll taxes are devoted exclusively to schools. Of the negroes of Jefferson county, the largest county in the State, and in which the negro is largely employed at good wages, less than fifty pay poll taxes. Nineteen-twentieths of the tuition paid to sustain the schools to which they send their children is paid by the whites; they pay a very small part towards the support and maintenance of the government. He is an exception to the race who deliberately sets about to accumulate and make an independent citizen. There are many farm lands in Alabama in what is known as the Black Belt, meaning by that section of the State where the negro constitutes the larger bulk of the inhabitants. These lands are comparatively cheap. The negro can best build up and show himself worthy of respect, worthy of citizenship,

if, as either tenant or purchaser, he would make those lands bear fruit as well worked lands will do anywhere. I will call the negro's attention to the fact that any section of this State which is turned over to them, is on the retrograde; that any section where the white man works is on the advance. The laws governing the two races certainly have nothing to do with this condition—it is because the negro has not taken advantage of his opportunities and made the best of them. As governor of the State, if I can add one word of encouragement to them, I will cheerfully do so. The forty-one years of their freedom has not proven a great success, a few have succeeded, many have not, and I will advise them to take a new hold on the better ways of life and make a strong and long pull towards maintaining within themselves habits of industry and economy—they could do it, and should do it. They must themselves stamp out vagrancy and crime within their own ranks. Carrying concealed weapons and vagrancy have become habitual with many of the race. Homicides and criminal assaults of the most brutal character are committed by members of the race, and when an indignant and outraged public take the law into their own hands and administer punishment, the sympathetic element of the country is tried to be aroused in favor of the brute who has committed the outrage, worse on his victim than death, diverting from the victim of his lust even that kindly attention to which she is entitled. This is a misdirected sympathy. The race should firmly set its face against such outrages, thereby striking at the root of the evil, and in this most effectual way, aid the authorities and the State in preventing this deplorable resort to violence as a means of punishing this crime. I want to say as their friend that I want them to help the whites of this land to stop this fearful lynch law business, destructive as it is of every civilization, by seeing that these criminal assaults are stopped. Teach it from their pulpits, teach it in their family life, quit crying against the white man, cry against the criminals and vagrants of their own race, make them worthy and I will guarantee the conduct of the white people of Alabama. Our pre-

judices are not against them, they are for them; we are taxing ourselves to educate their children, we are taxing ourselves to give them the protection and care of our government; we ask them to inculcate with themselves the absolute folly of securing from the laws, either federal or State, an underbolstering of conditions that their merits as a people or a race will not sustain. And we pray all, both white and black, to cultivate forbearance and patience, to practice a good disposition one to the other until the enlightening and softening processes of time have exerted their powerful influences in establishing that kindly relation and without friction, which condition should exist with two races living in the same State. The contrary of this will bring hurt to both, destruction to one.

THE CONFEDERATE SOLDIER.

Our State in its poverty has not done a very great deal to alleviate the condition of the old soldiers. It is more than two score years since they laid down their arms and commenced the struggles of life. Many of them are practically unable to earn a living and from the very nature of the case, unless the State holds out a helping hand and discharges its duty to these old men, the last days of many of them will be spent in poverty and want.

The regular assessment for pensions last year was \$353,201.06. To this was added an extra appropriation of \$150,000, and to this will further be added \$30,000, their share of the increased tax valuation of \$30,000,000, made last year, making a total of \$523,201.06. I advise that you increase this amount by an extra appropriation of \$300,000, making \$823,201.06, and if the assessments increase \$75,000,000, as I think they should, it will further increase it to \$898,201.06—this in addition to the care of the Home at Mountain Creek.

I will only add that they have not many more years with us, and it is but right that we should extend the kindly helping hand and make them as comfortable as the economy of the State will admit.

MOUNTAIN CREEK HOME.

The Home at Mountain Creek is a necessity, because many of the old soldiers are incapable on account of their infirmities and the want of proper kinship to take care of themselves even with the pension stipend. This Home is intended to give the guardianship and kindness of the State, a warm fireside, a well kept table and comfortable lodging. This Home has so far been an experiment, and of course many defects in management have naturally been made; experience and proper care will tend to correct these.

I submit the report of the commandant, and suggestions made by him; all of which is subject to your investigation and decision.

ALABAMA INSANE ASYLUM.

The Alabáma Insane Asylum is one of the largest benevolent institutions in the State and should be kept in first-class condition, both as to the money necessary to run it and keep it in repair, and also as to the necessary enlargements of every description as may be necessary to meet the requirements of the State. Dr. Searcy, the superintendent, in his report, has made quite a few suggestions for your consideration, which I refer to you and suggest such necessary legislation as you may deem best to secure the economic requirements and correct development of this great institution.

EDUCATION.

I will divide our schools into seven classes, the rural and common schools of the village and country, the Normal and Teachers Institute schools, the Alabama School for the Deaf, Dumb and Blind at Talladega, the Girls' Industrial School at Montevallo, the nine agricultural schools of the congressional districts, the Polytechnic Institute at Auburn, and the University at Tuscaloosa. These seven schools represent as they do seven distinct departments in our educational system, and should

without prejudice or jealousy of one of the other, hand in hand, covering, when properly cared for, the necessities of the people, and you representing all of the people should represent and care for all of the schools.

COMMON SCHOOLS.

The common schools from the very nature of the case are the foundation of our educational system, and every economy of the State should be practiced in order that they should be well cared for and developed. They furnish the arterial blood for the State and their neglect causes neglected conditions in every department of the State, whether political, economic or business, and I recommend the necessity of their expansion to the fullest extent that the economy of the State will allow.

The educational fund for the common schools last year was \$1,041,342.00, this is their constitutional share of three mills on the general assessment and valuation of the properties of the State; to this amount will be added \$90,000, their share of the increased valuation of assessments of \$30,000,000, making \$1,131,342. I advise a direct appropriation of \$300,000 a year out of the general fund to be added to the above constitutional assessment, and which would increase it to \$1,431,342.00. As suggested in the article on taxation, I think, if there was an equality of assessment on the properties of the state, that there would be an increase of \$75,000,000. If this was done, the common schools would get their constitutional share of three mills, or \$225,000, making \$1,656,342.00. There is quite a demand that a part of this fund should give the rural districts better school houses and better furniture. These matters will be within your prudence and care.

NORMAL SCHOOLS.

The Normal Schools founded for the purpose of preparing and fitting teachers, have succeeded and expanded beyond expectations. I will call your attention to the fact that it is at these schools the teacher for the

other schools is prepared, and it is very important that this preparation should be thorough and commensurate with the work to be done. They have outgrown their limits and come to you for help. You should thoroughly investigate the requirements of these schools and should meet them in a just and liberal way.

SCHOOL FOR THE DEAF, DUMB AND BLIND.

The Alabama School for the Deaf, Dumb and Blind at Talladega has also outgrown its bounds and is asking for the means of expansion. Quoting from President Johnston's report, their last building cost \$40,000, for which they had an appropriation of \$20,000, leaving a \$20,000 deficit, and there is still required an estimate of \$5,000 to complete the building and heat it. Also the central building was burned in 1905. In rebuilding it cost \$3,600 more than there was insurance, and that leaves a deficit of \$3,600. In other words, the school owes \$28,600 for buildings more than there were appropriations. This excess of cost above the appropriations was, I understand, approved by Governor Jelks and the trustees, and it becomes your duty to provide the funds. The president reports also that it is necessary to have about \$5,000 to repair one of the buildings, and that he wants other money to make improvements which are embodied in his report. The report shows that he is doing a very important work and that the school is a credit to the State and merits your liberal consideration.

GIRLS INDUSTRIAL SCHOOL.

The Girls Industrial School at Montevallo, grown to some four hundred pupils, has accomplished and is accomplishing much more than the founders of it dreamed of, and it has come to you asking for more expansion, more money, and right here I will say to you that the fact of its asking for more expansion and more money, is evidence that it is successful, and as long as it is successful it is your duty to stand by it. It wants more dormitories and more class room. It is becoming the usage of the State and of the nation that our girls shall share in the occupations of the State in the earning ca-

capacity of the family, and this school, having for its purpose the fitting of them for different occupation, it well behooves the State to give them the very best chance it can, and I would suggest to you the advisability of meeting their wants looking towards continued expansion. The young lady who stenographed and wrote this message, a daughter of a Dallas county farmer, is a graduate of that school, and I understand that there are many such in the city of Birmingham who are worthily earning their own living and helping in the support of their families.

The limits of this school have always been tested by the attendance; that of itself constitutes an undeniable demand on you, not on your benevolence, but on your duty to provide adequate funds for same.

AGRICULTURAL SCHOOLS.

The nine agricultural schools, located one each in the nine congressional districts, are doing a great work and should be encouraged. I have visited the schools at Abbeville, Henry county, and Albertville, Marshall county, and was very much impressed with the magnitude of the successful work they were doing, and unhesitatingly recommend, not only their continuance, but their enlargement.

The money allotted to these schools, \$2,500 a year each is the least appropriation for equivalent work of any benevolence or educational work of the State. They are asking that you increase this amount to \$5,000, making \$4,000 available for academic work, and \$1,000 for farm experiments. I compliment them on the modesty of the request, and am sure the State could not authorize a more economical and profitable expenditure. These schools are located in different parts of the State, generally where board is cheap, and they furnish the boys and girls outside of the cities not only with the most economical agricultural lessons, but also with the best substitute for high schools. While on this subject, I would commend to your careful study and consideration the propriety, at the earliest date possible, of establishing high schools, of their equivalents, in every county in the State, as I deem this one of the most advanced steps we could take towards higher education.

POLYTECHNIC INSTITUTE.

The Polytechnic Institute, one of the greatest schools south of the Ohio river, has exceeded the expectations of its founders and friends, and today, expanded to the utmost limits of its capacity, is knocking at our door for more means, more room.

It is said that this school and the nine agricultural schools belie their names, that they have not made farmers, or have only made a few farmers. They have done better than that, they have fitted the farmers' boys for high places in the land and they are fast occupying them, and the demand is for more.

The foundation of these ten great schools has been thirty cents, meaning by that, the tag tax of thirty cents a ton on fertilizer. It is true that the first placement of this was on a misconception of who would pay the cost, unquestionably it was a class tax, yet it has grown into our system and the wisdom of its use cannot be doubted. This thirty cents has now multiplied into many thousands of dollars and will continue to multiply, and should be used exclusively in the outbuilding and upbuilding of these great institutions. Any prejudice against them that comes from the statement that their pupils either at the beginning or on graduation do not furnish farmers and developers of the agriculture of the State, but go out into other business, is no criticism, because no matter what business they go into, they go into it with the foundation of character and learning imbedded at these schools, and it is more than worth the while and cost to the people, and I would suggest that never again should a dollar from this fund, this thirty cent foundation, though it may swell into hundreds of thousands of dollars, be diverted from the great cause to which it was dedicated, and to which it should be exclusively applied. If it is more than the polytechnic institute and the nine great agricultural schools can use, then enlarge the institute and found ten more and yet ten more agricultural schools as long as the fund will expand.

The Polytechnic Institute is asking \$226,000, or about \$56,000 a year for four years, to erect new buildings and to properly equip same, and it should have it. I will call your attention that the State owes the fertilizer

fund quite a sum of money, which has in previous years been turned into the general treasury; but aside from this the State owes it to the farmers of the State and to those who want an agricultural and technological education to give an ample sufficiency of the general fund, if necessary, for buildings and equipment, and ample further equipment of managers and teachers to extend their expansion as the necessities of the case demand.

THE UNIVERSITY.

The University, once the pride of the State, was burned in 1865 by supposed military necessity. Rebuilt, it is true, but that rebuilding was like the restoration of the temple and walls of Jerusalem by Nehemiah, Ezra and Zerubabel; when the work was completed and compared with the old Jerusalem, they sat themselves down and wept.

Alabama has been very negligent of the University, recognizing in the most meagre way the State's debt to the school, arriving by some strange vagary of conclusion that it was right to compromise the State's debt to this, their own institution, having by the State's own conduct lost the independent trust funds of the University, making a settlement somewhat like that of an impecunious debtor—fifty cents on the dollar. As a result the University stands today a beggar struggling with inadequate means. The University is asking for \$25,000 a year increased appropriation to meet necessary repairs and expenses, and they are also asking for \$100,000 a year for the next four years for increasing buildings. It looks to me that these are reasonable requests of this body and that you could make no better investment. No State can build higher than its school system, and any State that fails to satisfy the aspirations of its young people for even the highest education, and fails to take such young people into its commensurate care, then that State has failed in its duty. When Daniel at Babylon prayed each day with his face towards Jerusalem, he paid the highest tribute to the great advantages that Jerusalem had given him in mind and heart expansion, and Alabama should

fulfill with its facilities the requirements of the worthy ambitions of its young people, and make Daniels of its youths, tethering them to the home school, creating an adequate alma mater in our own midst, with all of such youths, not only offsprings of our schools, but going beyond that and creating a great alumni of citizenship bound to the State by that principle of early association and ingraft into them that great principle of love of the old school grounds, love of the old college mate, love of the old faculty, and twice hallowed, the love of the State that furnished these great opportunities.

As a boy in the spring of 1865, a student of the University, I saw the smoke of the consuming fire, and as a man, having gone from my State to a foreign college, I feel and know the necessity of a home university and cannot too highly recommend to you the care and keep of it as a valuable heritage to last forever devoted to the upbuilding of the youths of the State, preparing them to become citizens of the State, citizens imbued with love for the keep and care of the State, a love which best comes to a citizen when his alma mater is in the State. The university should be built and built and built, no limit now or ever as far as the economy of the State will allow.

And to sum up on all our schools, while not mania struck on education, yet I regard it as the most successful foundation for the future of the State and unhesitatingly recommend that all of these great systems of school, the foundations of which have been so broadly laid, will create an alumni of citizenship making them feel proud that the highest merits of their citizenship, they owe to the school system of Alabama, then Alabama will be endeared to them, and this alumni of citizenship will be our greatest bulwark and they will be found in line to protect the State in any and every danger, and they will be found the strongest workers and leaders in the future fight, not only for the future education of the State, but any and every upbuilding and protection of the State.

On our labors, jointly and severally, as faithful servants of the people, humbly I invoke the blessings of Almighty God.

(Signed) B. B. COMER.

Governor's Office, Montgomery, January 15, 1907.

GENERAL LAWS.

HOUSE JOINT RESOLUTION.

No. 1.)

(H. J. R. No. 12.

Whereas, the Legislature of the State of Alabama which is now in session is the legislature chosen next preceding the expiration of the time for which the Honorable Edmund Winston Pettus was elected a senator to represent the State of Alabama in the congress of the United States. Be it resolved by the house of representatives, the senate concurring, that the house of representatives and the senate of the legislature of Alabama shall meet in their respective halls on Tuesday, the twenty-second day of January, one thousand nine hundred and seven, the same being the second Tuesday after the meeting and organization of said legislature and that they proceed separately to vote for a senator in congress from the State of Alabama for the term of six years beginning on the 4th day of March, 1909, when the present term of the said Edmund Winston Pettus as such senator from the State of Alabama shall expire—such proceedings in either house to conform to the statutes of the United States providing for the election of senators to the congress of the United States. And that on Wednesday, 23d day of January, 1907, at the hour of 2 p. m., the members of the senate and house of representatives convene in joint assembly in the hall of the house of representatives, and then and there read the journals of each house, and declare the result so as to conform to the statutes of the United States.

Preamble.

Fixing day for election of U. S. Senator.

Approved January 28, 1907.

HOUSE JOINT RESOLUTION.

No. 2.)

(H. J. R. No. 13.)

Preamble.

Fixing day for
election of U.
S. Senator.

Whereas, the Legislature of the State of Alabama which is now in session is the legislature chosen next preceding the expiration of the time for which the Honorable John Tyler Morgan was elected a senator to represent the State of Alabama in the congress of the United States. Be it resolved by the house of representatives, the senate concurring, that the house of representatives and the senate of the legislature of Alabama shall meet in their respective halls on Tuesday, the twenty-second day of January, one thousand nine hundred and seven, the same being the second Tuesday after the meeting and organization of said legislature and that they proceed separately to vote for a senator in congress from the State of Alabama for the term of six years beginning on the fourth day of March, 1907, when the present term of the said John Tyler Morgan as such senator from the State of Alabama shall expire—such proceedings in either house to conform to the statutes of the United States providing for the election of senators to the congress of the United States. And that on Wednesday, the 23d day of January, 1907, at the hour of 2 p. m., the members of the senate and house of representatives convene in joint assembly in the hall of the house of representatives and then and there read the journals of each house and declare the result so as to conform to the statutes of the United States.

Approved January 28, 1907.

HOUSE JOINT RESOLUTION.

No. 3.)

(H. J. R. No. 20.)

Be it resolved by the house of representatives, the senate concurring,

First, That the Legislature of Alabama cordially commends and endorses the efforts being made by certain citizens of our State to secure the location in Birmingham of the sub-treasury of the United States government and hereby requests the senators and members of congress from Alabama to locate the sub-treasury in said city.

Endorsing
Birmingham
for sub-treas-
ury.

Second, That a copy of these resolutions be forwarded by the secretary of State to the senators and members of congress.

Approved January 28, 1907.

HOUSE JOINT RESOLUTION.

No. 4.)

(H. J. R. No. 21.)

Resolved by the house, the senate concurring, That the governor be and he is hereby requested to employ at the expense of the State, an expert accountant and direct him to examine the books and accounts of the Tuskegee Normal and Industrial Institute, and to make diligent inquiry into every department thereof, and to render a report in writing to the Legislature of Alabama of the financial condition of said Tuskegee Normal and Industrial Institute, said report to be rendered as soon as practicable, and that the governor is also authorized to employ said accountant to make any examination of the books and accounts of any officer of this State which the governor may deem proper, and same to be reported to the legislature.

Examination
Tuskegee
Normal Insti-
tute.

Approved January 28, 1907.

HOUSE JOINT RESOLUTION.

No. 7.)

(H. J. R. No. 17.

Preamble.

Petition to U.
S. Congress
in re cotton
tax.

A joint resolution petitioning congress for the return to the State of Alabama its porportionate share of the cotton tax unlawfully collected by the federal government. Whereas, There is in the treasury of the United States a considerable amount of money, derived from a tax levied and collected by the government of the United States just after the confederate war, and which tax was declared to be unconstitutional, and which should be returned to the people who paid the same, and; Whereas, After the lapse of more than thirty years from the date these taxes were collected, a large amount yet remains in the treasury for which no claim can be sustained, owing to the loss of records of sale of cotton at that period; Therefore be it resolved by the Legislature of Alabama, That we do hereby petition the congress of the United States and our senators and representatives in congress, to pass a law prorating to every cotton growing State, whatever cotton tax money, the claims to which are not attempted to be established, there may be in the treasury of the United States; provided, however, that the opportunity be first given to any person or persons having claim as to such monies, to establish their claims before the proper authorities. Be it further resolved, That a copy of these resolutions be sent to our senators and representatives in congress.

Approved February 6, 1907.

HOUSE JOINT RESOLUTION.

No. 8.)

(H. J. R. 40.

Resolved by the house, the senate concurring,
That a committee of five members be appointed,
to consist of three members of the house, and
two members of the senate, to be named by the
speaker of the house and the president of the
senate, respectively, to investigate the matter of
salaries of the executive officers of this State, ^{Investigate}
and of the clerks and employees in the various ^{salary of offi-}
executive offices or departments; to ascertain ^{cers and clerks.}
whether the salaries now paid to such officers,
clerks and employees are adequate and fair and
commensurate with their several duties, labors
and responsibilities and with the reasonable cost
of living.

Approved February 6, 1907.

No. 10.)

AN ACT.

(H. 9.

To amend an act entitled an act to amend sec-
tion 2937 of the code of Alabama, approved
Feb. 11, 1901.

Section 1. *Be it enacted by the Legislature of Alabama,* That an act entitled an act to amend section 2937 of the code of Alabama, approved February 11, 1901, be and the same is hereby amended so as to read as follows: That section 2937 of the code of Alabama be amended so as to read as follows: 2937 (1486) (1763) (1220) mode of incorporating a town. When the inhabitants of a town not incorporated, the population of which is not less than one hundred nor more than three thousand, shall desire to be organized into a town, they may file with the judge of the probate court of the county in which they reside, a petition in writing signed by twenty-five or more qualified electors who reside within the boundaries of the proposed town, and who

are also freeholders therein, stating the name and the boundaries of the town proposed to be incorporated.

Approved February 11, 1901.

No. 12.)

AN ACT.

(H. 329.

To appropriate the sum of eight thousand seven hundred and thirty-four dollars and fifty-seven cents (\$8,734.57) for the relief of the First National Bank of Montgomery, Alabama.

For relief of
First National
Bank, Mont-
gomery, ac-
count State
Health Depart-
ment.

Section 1. *Be it enacted by the Legislature of Alabama*, That the sum of eight thousand seven hundred and thirty-four dollars and fifty-seven cents (\$8,734.57) be and the same is hereby appropriated from any money in the treasury not otherwise appropriated for the relief of the First National Bank of Montgomery on account of money loaned by said bank for the use of the health department of the State to meet the deficiency in the quarantine appropriation for 1905-6.

Sec. 2. Be it further enacted, That said sum shall be paid to said First National Bank of Montgomery on the warrant of the State auditor for said amount of eight thousand seven hundred and thirty-four dollars and fifty-seven cents (\$8,734.57.)

Approved February 7, 1907.

No. 14.)

AN ACT.

(H. 325.

To amend section 1876 of the code.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 1876 of the code of Alabama be and the same is hereby amended to read as follows: 1876 (80), Examiner of public ac-

counts and assistant examiners of public accounts. The governor is authorized to appoint an expert accountant of known integrity and skill who shall act as examiner of public accounts and whose duty it shall be under the direction of the governor, whenever required to do so, to audit and examine the books, accounts and vouchers of the secretary of State, the auditor, the treasurer, the superintendent of education, the commissioner of agriculture and industries and the wardens of the penitentiary, or such officer as may have charge of the books, accounts and vouchers pertaining to the State convicts, their hires, and expenses and management, and also the books, accounts and vouchers pertaining to the revenue, receipts and expenses of the University of Alabama, the Alabama Insane Hospital, the Alabama Polytechnic Institute, the Alabama Institution for the Deaf, Dumb and Blind, and of the several normal schools of the State, and of the several branch agricultural schools of the State. The governor shall have authority to direct and control the examiner, and when he deems it necessary may require him to examine the accounts of any State or county officer charged with the duty of collecting or disbursing any part of the public revenue. The said examiner of public accounts shall receive compensation at the rate of eighteen hundred dollars per annum. The governor may also appoint two assistant examiners of public accounts who shall each be subject to his direction, and each invested with all the power and charged with all the duties as herein provided with respect to the examiner of public accounts. The compensation of each of the assistant examiners shall be fixed by the governor at not exceeding five dollars per day while actually employed for the State. And the governor may also allow the examiner and each assistant examiner the additional sum of not more than two dollars and fifty cents per day for his expenses while actually employed for the State; and the governor

Governor to
appoint exam-
iners.

Duties of ex-
aminers.

Compensation
of examiner.
Assistant ex-
aminers.

Compensation
of assistant ex-
aminers.

Required to
count money
in State treas-
ury.

shall prescribe the time for which said examiner and assistant examiners shall be employed. When required by the governor to do so, the examiner or one of the assistant examiners shall have the money in the treasury counted in which the governor shall require either the auditor, the secretary of State, or the attorney general, or all of them, to be present to supervise the count and to join in certifying the result to the governor.

Approved February 7, 1907.

No. 17.)

AN ACT.

(S. 15.

To make the railroad rates of freight in force January 1, 1907, for the transportation, originating and terminating within this State the maximum rates.

Maximum
rates estab-
lished.

Section 1. *Be it enacted by the Legislature of Alabama*, That the rates of freight in force January 1, 1907, and obtaining on the various railroads of Alabama for the transportation, originating and terminating within the State, of freight be, and they are hereby fixed and established as the maximum rates to be charged for such transportation, and it shall be unlawful for any company, corporation or individual, owning or operating any railroad or part of a railroad as a common carrier in this State, to increase said rates or to charge or receive any greater or higher rate of freight than those then published by or obtaining on such railroad.

Repeal.

Sec. 2. That all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved February 9, 1907.

No. 18.)

AN ACT.

(H. 111.)

Relating to the preservation, propagation and protection of game animals, wild birds and fish; establishing the department of game and fish, creating the office of State Game and Fish Commisisoner, and providing for his election and compensation; creating the offices of county game and fish wardens, and deputy game and fish warden, and providing for their appointment and compensation; creating a game and fish protection fund and appropriating money therefrom.

Section 1. *Be it enacted by the Legislature of Alabama,* That the title and ownership to all wild birds and game in the State of Alabama, not held by private ownership, legally acquired, is hereby declared to be in the State; and no wild bird or game shall be caught, taken or killed in any manner or at any time, or had in possession, except the person so catching, taking, killing or having in possession shall consent that the title to said wild birds and game shall be and remain in the State of Alabama for the purpose of regulating and controlling the use and disposition of the same after such catching, taking or killing. The catching, taking, or having in possession of wild birds or game at any time, or in any manner by any person, shall be deemed a consent of said person that the title of the State shall be and remain in the State, for the purpose of regulating the use and disposition of the same, and such possession shall be consent to such title in the State.

Title to birds
and game to
be in the
State.

Sec. 2. That no person shall within the State of Alabama, catch or kill or have in his possession, living or dead, any wild bird, other than a game bird, or purchase, offer or expose for sale, transport, or ship within or without the State any such wild bird after it has been killed or caught, except as permitted by this act. No part of the plumage, skin or body of any bird protect-

Game birds
defined.

Shall not de-
stroy nests.

Penalties for
violation.

Certificates to
accredited per-
sons for collec-
tion for scienti-
fic purposes.

Exceptions.

ed by this act shall be sold or had in possession for sale irrespective whether said bird was captured or killed within or without the State; for the purposes of this act the following only shall be considered game birds: The Anatidae, commonly known as swans, geese, brant and river, and sea ducks; Rallidate, commonly known as rails, coots, mud hens and gallinules; the Limicolae, commonly known as shore birds, plovers, surf birds, snipe, wood-cock, sand-pipers, tatlers, and curlews; the Gallinae, commonly known as wild turkeys, grouse, pheasants, and quails, and the species of Columbidae, commonly known as turtle or mourning dove. No person shall within the State of Alabama take or wilfully destroy the nests of any wild bird nor shall such nests or eggs be in his or her possession except as permitted by this act.

Sec. 3. Any person who violates the provisions of sections 2 and 3 shall be deemed guilty of a misdemeanor and on conviction shall be liable to a fine of not less than ten nor more than twenty-five dollars for each offense.

Sec. 4. Certificates may be granted by the State Game and Fish Commissioner to any properly accredited person permitting the holder thereof to collect birds, their nests or eggs for strictly scientific purposes only. In order to obtain such certificates the applicant for the same must present to the State Game and Fish Commissioner written testimonials from two well known ornithologists, one of whom shall be a resident of this State, certifying to the good character and fitness of said applicant to be entrusted with such privilege, and must pay to the State Game and Fish Commissioner one dollar to defray the necessary expenses attending the granting of such certificates. The certificate authorized by this act shall expire the 31st day of December in the year of which it is issued.

Sec. 5. That the English or European house sparrow, Coopers hawk, chicken hawk, and all members of the hawk family, great horned owl

and crows are not included among the birds protected by this act.

Sec. 6. That no person or persons shall injure, kill or hunt or destroy by any means whatever, or have or be in possession except as permitted by the provisions of this act, the following named game birds except between the following dates: Wild turkey gobblers, December 1st to March 1st, following; Quail (Bob White part-^{Hunting season on certain birds.}ridge) and dove, from November 1st to March 1st, following; Swans, geese, brant, ducks, rails, coots, mud hens, sand pipers, wood-cock and curlews or other shore birds, November 1st to March 1st; Snipe and plover, November 1st to May 1st, following. Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished with a fine of not less than ten nor more than twenty-five dollars for each offense. ^{Penalty for violation.}

Sec. 7. Any person who takes, captures or kills, except under permit, any ruffed grouse (Pheasant), Montgolian, Chinese or English pheasant, or other imported game birds, before December 1st, 1912, and thereafter only from November 15th to December 15th, following, shall be deemed guilty of a misdemeanor and on conviction shall be punished with a fine of not less than five or more than twenty-five dollars for each offense. ^{Killing of imported birds prohibited.}

Sec. 8. No person shall at any time make use of any pit fall, dead fall, scaffold, cage, snare, trap, net, salt lick, bated hook, or bated field or any other similar devise or any drug, poison, chemicals or explosives for the purpose of injuring, capturing or killing any birds or animals protected by this act, except as otherwise provided. No person shall pursue, catch, take or kill any birds, deer, wild turkey, wild ducks, wild goose, brant or other aquatic bird or fowl, between dark and daylight the following day. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and on ^{Baiting, etc., prohibited.}

Penalties.

conviction shall be punished by fine of not less than five nor more than twenty-five dollars for each offense.

Provisions as to killing deer.

Sec. 9. That it is hereby declared unlawful to kill or attempt to kill any doe or female deer in the State of Alabama; it is further declared unlawful to kill any deer between January 1st, and the first day of November in each calendar year. It is further declared unlawful to make use of any artificial light in hunting or killing deer. And the wearing or having such light on the head or any part of the body while hunting shall be prima facie evidence of the violation of this section. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than ten nor more than fifty dollars.

Hunting season for squirrels.

Sec. 10. That no person shall pursue, injure, capture, kill, or destroy any fox-squirrel, black squirrel or grey squirrel, save only from September 1st, to the following February 1st, in each year, nor shall any person pursue, capture or destroy any such squirrels at any time in any public or private park; provided, that any person may protect his premises from the ravages and depredation of these animals at any time and in any way. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than five nor more than twenty-five dollars.

Limitations as to amount of game to be taken, or killed.

Sec. 11. The right given by this act to take or kill deer, or game birds for food purposes is limited to one deer, two turkeys, and twenty-five game birds of any other species for each person in any one day. No birds or game protected by this act shall be held in possession of any person for more than five days after the close of the season for killing the same. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction

shall be fined not less than five nor more than twenty-five dollars for each offense.

Sec. 12. Any person, firm or corporation who shall at any time of the year barter, sell or offer for sale, whether taken or killed in this State or not, either under the name used in this act or under any other name or guise whatsoever, any of the game birds or animals protected by this act, whether lawfully or unlawfully taken, shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than five nor more than twenty-five dollars for each offense.

Unlawful to barter or sell under different names.

Sec. 13. That when an arrest for a violation of this act is made by the State Game and Fish Commisisoner or by any warden and the defendant is convicted, there shall be taxed as cost in favor of such warden making the arrest, the same fee as a constable is entitled to in misdemeanor cases, and if collected from the defendant shall be paid over to such warden and shall be his personal prerequisite. But no fee shall be allowed in cases of acquittal.

Fees of wardens.

Sec. 14. As used in this act, unless otherwise specifically restricted or enlarged the words "herein" and "hereof" refer to the whole act, and the words "person," "owner," "proprietor," "grantee," "lessee," or "license" include a firm, association, corporation or municipality and the word "warden" means State Game and Fish Commissioner, county game warden and deputy game warden provided for herein." The word "officers" includes every person authorized to enforce the provisions of this act, and whenever the possession, use, importation, transportation, storage, sale, offering or exposing for sale of game or birds, is prohibited or restricted, the prohibition or restrictions shall extend to and including every part of such game and a violation as to each animal or bird or part thereof shall be a separate offense and two or more offenses may be charged in the same affidavit, complaint or indictment, and proof as a part of a game bird or animal shall be sufficient to sustain a charge to

Phrases and words defined.

Officers authorized to enforce provisions.

Offenses, complaint, affidavit, etc.

the whole of it; and the violation as to the number of animals or birds of the same kind may be charged in the same count and punished as a separate offense as to each animal, bird or game.

Service on cor- Sec. 15. In cases of violation of this act by
porations. a corporation the warrant of arrest may be read to the president, secretary or manager in this State, or to any general or local agent thereof, in any county where the action or indictment is pending, and upon the return of such warrant so served the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of said corporation, but this section shall not be construed to exempt any agent or employee from prosecution.

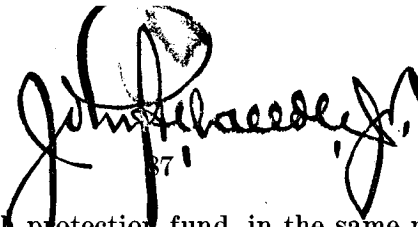
Penalties on of- Sec. 16. Any official, officers or warden, who
ficers who fail shall fail to perform any act, duty or obligation
to enforce pro- enjoined upon him by the provisions of this act,
visions. shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Election of game and fish commissioner. Sec. 17. That the members of the senate and house of representatives of this State shall meet in joint session as soon as practicable after the approval of this act, and in such joint session shall duly proceed to elect some person skilled in matters relating to game or fish, State Game and Fish Commissioner, said person shall be known as a State Game and Fish Commissioner of the State of Alabama, and shall hold his office until the first Monday after the second Tuesday in January, 1909, or until his successor in office is duly elected and qualified. The successor to the State Game and Fish Commissioner shall be elected by the qualified electors of the State at the general election in 1908 and every four years thereafter.

Term of office. The Department of Game and Fish of the State of Alabama is hereby established and created, and shall be known and termed as such. The State Game and Fish Commissioner shall receive a salary of \$2500.00 (twenty-five hundred dollars) per annum, payable monthly out of the

Dept. created.

Salary.


37

1907.

game and fish protection fund, in the same manner as other State officers are paid, but the said State Fish and Game Commissioner shall not be allowed any reimbursement for his expenses in travelling over the State in the discharge of the duties of his office.

Sec. 18. The State Game and Fish Commissioner shall be provided with a suitable office in the State capitol, and is hereby authorized upon the approval of the governor to employ a clerk when necessary. At the end of each calendar month said game and fish commissioner shall file with the governor an itemized statement, under oath, of all sums of money received or expended by him in the discharge of his official duty, including clerical services, salaries, and expenses of deputies while traveling under special orders as hereinafter provided, postage, stationery, and other necessary incidental expenses. Upon the approval of such accounts by the governor, the State auditor shall draw his warrant for such amount which shall be paid monthly out of the game and fish protection fund and the clerk authorized by this act, shall receive two dollars per day while engaged in such service. The office and accounts of the State Game and Fish Commissioner shall be audited by direction of the governor in the same manner as the office and account of any other State office are audited.

Office at State Capitol.

Itemized statement, clerical help, etc.

Sec. 19. Before entering upon the discharge of his official duties the State Game and Fish Commissioner shall give bond in the sum of five thousand dollars to the State of Alabama with two or more sureties to be acceptable to the secretary of State, conditioned that he will well and truly account for all and apply all moneys which may come into his hands in his official capacity, and that he will faithfully perform the duties enjoined upon him by law, and he shall take and subscribe the oath or affirmation required by the constitution of the State. The secretary of State upon being officially apprised of

Bond of game and fish commissioner.

the name of the person selected by the joint session of the senate and the house of representatives for State Game and Fish Commissioner shall issue to said person his commission.

Seal of office. Sec. 20. The State Game and Fish Commissioner shall keep a seal of office which shall be used to authenticate all papers and documents issued and executed by him as such officer. In the month of October, in the year 1910, and every four years thereafter, the State Game and Fish Commissioner shall make a report to the governor showing the official business transacted by him. Such report shall show the number of hunter's license issued, together with all fees proceeding therefrom. It shall show what moneys have been received by the game and fish department from other fees and from other sources. It shall show the number of wardens employed under special instructions, and shall give all necessary information concerning the affairs of the department of game and fish. Such report to be published in pamphlet form.

Duty of commissioner. Sec. 21. It shall be the duty of the State Game and Fish Commissioner to enforce all laws that are now enacted or that may hereafter be enacted, for the protection, preservation, and propagation of game animals, birds and fish in this State, and to prosecute all persons who violate such law. Such Game and Fish Commissioner shall at any and all times seize any and all birds, animals or fish which have been caught or killed at a time, in a manner or for a purpose or in possession or which have been shipped contrary to the laws of this State.

Printed blanks. Sec. 22. The blanks and other printed matter necessary to carry out the provisions of this act upon the approval of the governor shall be printed under the direction of the State Game and Fish Commissioner, and shall be paid for in like manner and upon the same terms as other public printing. This expense shall be chargeable to the first money covered into the game and fish protection fund.

Sec. 23. The State Game and Fish Commissioner and his deputies shall have the same power to serve criminal processes as sheriffs and constables.

Power of commissioner and deputies

Sec. 24. The State Game and Fish Commissioner shall, as soon as practicable, after assuming the duties of his office, appoint by and with the consent and approval of the governor, some person skilled in matters relating to game and fish, game and fish wardens, in each county in this State, and such person so appointed shall be known as county game and fish wardens. Said wardens shall assist the State Game and Fish Commissioner in the discharge of his official duties, and said warden shall have like power and authority herein provided for the State Game and Fish Commissioner, relative to the enforcement of this law, but said deputies and wardens shall be subject to the supervision and direction of the State Game and Fish Commissioner and subject to removal for cause by him. Said wardens shall hold office for four years, or until their successors are duly appointed; before entering upon the discharge of their official duties each county game and fish warden shall give bond in the sum of five hundred dollars, payable to the State of Alabama, with two or more sureties, to be approved by the secretary of State, conditioned that he will well and truly account for and legally apply all money which may come into his hands in his official capacity and that he will faithfully perform all the duties enjoined upon him by law.

County game and fish wardens.
Appointive.

Term of office of county wardens.

Sec. 25. Each county game and fish warden shall receive one-half of all fines, forfeitures and penalties collected in the county in which he holds office. And such moneys shall be so paid by the courts collecting the same, and the remainder shall be forwarded to the State treasurer and covered into the game and fish protection fund.

Compensation of county wardens.

Sec. 26. The State Game and Fish Commissioner by and with the consent of the governor

Publication of laws.

shall cause to be published in pamphlet form for general distribution the laws relating to game, birds and fish.

Permits for taking game birds and fish. Sec. 27. The State Game and Fish Commissioner may issue permits to any person to take, capture, kill, or transport game birds or fish within or without this State, at any time when satisfied that such person applying for said permit desires the same exclusively for scientific or propagating purposes, provided he shall not issue permits to capture or transport more than ten pairs of any one species in any year.

Permit, cost of the State Game and Fish Commissioner he is hereby authorized to issue permit according to the provisions of this act.

Ex officio game and bird wardens. Sec. 29. All sheriffs, deputy sheriffs, marshalls, constables, or other peace officers in this State are hereby declared ex-officio deputy game and fish wardens.

Licenses to hunt. Sec. 30. It shall be unlawful for any person after the approval of this act to hunt outside of the limits of the voting precinct, ward or beat in which he actually resides, without first obtaining a license permitting him or her to do so. Such license shall be dated when issued, and shall authorize the person named therein to hunt during that calendar year, and then only within the regulations and restrictions provided by law. All hunting licenses shall be numbered consecutively at the time they are printed and resident and non-resident blanks shall be furnished by the State Game and Fish Commissioner to the probate judges of the various counties in this State.

County hunting license. Sec. 31. Any person who has been a bona fide resident of this State one year then past, may procure a county hunting license, for himself or herself by filing his or her affidavit with the probate judge in the county in which he or she resides, stating his or her age, place of residence, postoffice address, color of his or her hair and eyes and the fact whether he or she cannot write his or her name, and by paying the said

judge of probate the sum of one dollar; provided this section shall not apply to owners and tenants who may hunt on their own lands in season without obtaining a hunting license.

Sec. 32. It shall be unlawful for any person after the approval of this act to hunt in this State, outside of the limits of the county in which he actually resides without first obtaining a license permitting him or her to do so, such license shall be dated when issued and the person named therein shall be authorized to hunt during that calendar year, and then only within the regulations and restrictions provided by law. Such person shall file with the probate judge of the county to whom he applies for license the affidavit provided by section 31, and shall pay to the said probate judge the sum of three dollars which shall entitle him or her to a State hunting license and shall authorize him or her to hunt in any county in this State, provided the provisions of this act shall not apply to owners and tenants who are hereby allowed to hunt on their own lands in season without obtaining State license. License required to hunt.

Sec. 33. Any non-resident of this State may procure a license for hunting by filing his or her affidavit with the probate judge of any county in this State stating his or her age, place of residence, post office address, color of his or her eyes and hair and the fact whether he or she can or cannot write his or her own age and by paying the said probate judge the sum of fifteen dollars. The provisions of this section shall apply to all aliens as well as non-residents. Non-resident licenses.

Sec. 34. That the probate judges shall issue all hunting licenses, resident and non-resident, under the seal of their office to all persons complying with the provisions of this Act, and shall sign the same and shall require the person to whom the license is issued to sign his or her name on the margin thereof. He shall keep a correct and complete record of all licenses issued in a book to be furnished by the State Game and Fish Probate judge to issue licenses.

Commisisoner, which record shall remain in his office and be open to the inspection of the public at all reasonable times. Probate judges shall retain of the money received of each license issued the sum of fifteen cents, which shall cover the swearing of the applicant to the affidavit herein referred to and all other services under this act, and shall pay the balance to the State treasurer on the first day of each month, which amount shall be covered into the game and fish protection fund, and said probate judges shall report to the State Game and Fish Commissioner on the first day of each month the number of licenses issued, and the amount of money remitted to the State treasurer.

License must be carried. Sec. 36. All persons having hunter's license must carry the same, when hunting, and any person who shall hunt in this State without first having procured a license as herein provided or who shall loan his or her license to another person shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten nor more than twenty-five dollars.

Not transferable.

Penalties for false statements in re licenses.

Sec. 37. Any person who shall make to any officer authorized to issue a hunting license, a false statement or change or alter his or her license in any manner shall be punished by a fine of not less than ten nor more than twenty-five dollars.

Resident and non-resident licenses.

Sec. 38. The license for residents and non-residents shall be printed on distinctive colors, the State Game and Fish Commissioner shall deliver to each probate judge in this State as soon as practicable after this act goes into effect and at least ten days before the first day of January in each year thereafter, as many licenses as may be required, and shall charge said probate judge with the number issued to him. On the 15th day of December in each year, and within ten days thereafter, each probate judge shall return to the State Game and Fish Commisisoner all unused licenses and stubs of the licenses issued.

Sec. 39. All moneys sent to the State treasurer in payment of hunting licenses, fines, penalties and forfeitures, arising under the provisions of this act, shall be set aside by the State treasurer and shall constitute a fund known as the "Game and Fish Protection Fund," for the payment of the Salary of the State Game and Fish Commissioner and his necessary incidental expenses, also the payment of the expenses of the game and fish warden when acting under special instructions. The expenses incurred for any purpose or in consequence of this act, shall be limited to the amount of money in the game and fish protection fund, and in no event shall the State pay any such salaries or expenses or be liable in any manner therefor except to the extent of such game and fish protection fund, and the State Game and Fish Commissioner shall not issue any voucher nor shall the State auditor approve any voucher if issued by the said State Game and Fish Commissioner for any services for any expenses of any kind unless the money to pay such voucher shall at the time be on hand in the State treasury to the credit of the State Game and Fish Protection Fund.

Sec. 40. Game and fish wardens acting under special instructions shall receive three dollars per day for their services.

Per diem of county wardens.

Sec. 41. That it shall be the duty of every justice of the peace, and clerk of any court before whom any prosecution under this act is commenced, or shall go on appeal and within twenty days after trial or dismissal thereof to report in writing the result thereof and the amount of fine collected, if any, and the disposition thereof to the State Game and Fish Commissioner. All moneys collected from fines, penalties or forfeitures under this act, shall belong to the Game and Fish Protection Fund with the exception of that part which under this act belongs to the wardens, and shall be paid over by the officer authorized to collect said money to the State treasurer on or before the first day of each month.

Court proceedings.

Duties of justices of the peace, clerks, and like officers.

and shall be conveyed by him into the game and fish protection fund. And the State treasurer shall report on the first day of each month to the State Game and Fish Commissioner the exact amount of money to the credit of the Game and Fish Protection Fund.

Unlawful to
ship game.

Sec. 42. It is unlawful for any person who has lawfully killed the same in this State, to take, ship or transport out of this State or ship or transport within the State any of the birds or game protected by the laws of this State, unless the same be in the personal possession of, or carried openly by the owner thereof, and such person carrying said game shall have in his possession, issued to him a non-resident license, if the game so transported is to be carried out of this State, and shall have a residence license issued to him under the provisions of this law, and shall accompany same game birds or game animals on the same train or other conveyance of a common carrier if shipped within this State. Any person who violates the provisions of this section shall be guilty of a misdemeanor and on conviction shall be punished by fine of not less than ten nor more than fifty dollars.

Exceptions.

Penalties.

Common carriers must ascertain if person offering for shipment is licensed.

Sec. 43. Any person, company, corporation or common carrier shipping or transporting any birds or game, must ascertain if the person offering for shipment such birds or game is in possession of a hunting license duly issued to him and covering the period when such shipment is offered. No person, company, firm, corporation or common carrier shall ship or receive for transportation or shipment any of the birds or game protected by the provisions of this act except as provided for in section 42. Any person, firm or corporation or common carrier, violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not less than fifty nor more than one hundred dollars.

Penalty.

Sec. 44. That it is hereby made unlawful for any person to hunt on the lands of another with-

out first having obtained from the owner or agent thereof a written permission to do so, said written permission shall be good for one year from date of issuance unless otherwise provided therein, and said permission shall expire unless otherwise provided at the expiration of one year from the date of issuance. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than ten nor more than twenty-five dollars.

Written permission to hunt on lands of another.

Penalty.

Sec. 45. All fines imposed under the provisions of this act shall be paid in lawful money, that is to say, in currency of the United States of America.

Fines paid in lawful money.

Sec. 45½. The provisions of this act shall not apply to persons hunting any of the birds or animals of this State which are not protected by the provisions of this act.

Birds and animals excepted.

Sec. 46. That circuit judges and the judges of the concurrent jurisdiction in this State, be, and they are hereby required to give the grand juries when organized, the provisions of this act strictly in charge and to urge strict inquiry into infractions thereof.

Judges required to charge grand juries.

Sec. 47. That the protection of the forest being necessary for the preservation of the game of the State, the game and fish wardens shall while in and about the woods caution all sportsmen of the danger from fires and to extinguish all fires left burning by any one if within their power, and to give notice to any and all persons interested when possible, of fires raging beyond their control to the end that the same may be extinguished.

Protection of forests; warden's duties.

Sec. 48. That all laws and parts of laws, general, special or local, in conflict with the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved this the 19th day of February, 1907.

To prescribe the measure of damages for loss, destruction, or injury to, delay in delivering, or failure to deliver goods by common carriers and to regulate the collection thereof.

Common carriers liable to persons having title to property, etc.

Section 1. *Be it enacted by the Legislature of Alabama*, That in all cases of loss, destruction, injury to, delay in delivering or failure to deliver property, chattels or goods of any character, to the person entitled thereto, by a common carrier, having received the same for shipment in accordance with the contract of shipment, such common carrier shall be liable to the person having the title to such property, chattels or goods, when lost or destroyed, for the market value of such chattels, property or goods, at the place of destination, at the time and in the condition they should have been delivered with interest from the time they should have been delivered, and where injuries for the damages caused thereto, less the amount of freight charges due for their transportation, with interest from the time they should have been delivered uninjured, and in case of delay beyond a reasonable time the difference in the value of the goods when they should have been delivered and their value when delivered with interest, if said goods have declined in value.

Property lost, destroyed, or injured, to be itemized by shipper, consignor or consignee, and deliver to common carrier within 60 days.

Sec. 2. That when any property, chattels or goods have been received by any common carrier for transportation, and such goods, chattels or property shall be lost, destroyed or injured, or shall not be delivered, according to the contract of shipment, the shipper, consignor, consignee, or other person entitled to demand and receive them shall make out an itemized statement of the goods, property or chattels, so lost, destroyed or injured, or not delivered, setting forth the kind of articles, and the number thereof, and the value and the extent or amount of damages, and shall after making, subscribing and swearing to the

same before an officer authorized to administer an oath, deliver the same to the said common carrier, agent, officer of said common carrier so receiving said shipment within sixty days after said loss, destruction, injury or failure to deliver such goods, property or chattels.

Sec. 3. That when such verified statement of such loss, destruction, injury or failure to deliver, shall be delivered to such common carrier, or officer, agent of such common carrier, it shall be the duty of such common carrier, if such property, goods, or chattels, were lost, destroyed, not delivered or injured by said common carrier, or the agent officer of such common carrier, to pay or tender to such person so presenting such claim, if he be the one entitled thereto, the value of said property, goods or chattels so lost or destroyed, or not delivered, or the amount of the damages or injury to such property, goods or chattels, within sixty days from the date of such delivery of such verified claim therefor.

Agent of common carrier to pay value of property within 60 days.

Sec. 4. That if the value of such goods, property or chattels so lost, destroyed or not delivered, or the amount of damages or injury, where injured, shall not be paid or tendered to such person entitled thereto so presenting such verified claim therefor within the time above prescribed, such person may, on suing therefor and on making proof of such shipment and loss or destruction, failure to deliver, or injury to such goods, chattels or property, and the due presentation of such verified claim, or demand for the value of, or damage to such goods, property or chattels, and that such claim was not for more than such value or injury, and the failure of such common carrier to pay for the same within sixty days from the making of such demand, recover from the said common carrier fourfold damages, suffered by reason of such loss, destruction or injury, unless such loss, destruction or injury is the result of the acts of public enemies or the act of God. Where the amount of such damages does not exceed twenty-five dollars, and two fold

Failure to pay for damages, etc.

Suit may be instituted.

May recover four fold damages.

May recover
two-fold dama-
ges, etc.

damages with interest where the amount of such damages exceeds twenty-five dollars and does not exceed one hundred dollars and where the damages exceed one hundred dollars and do not exceed two hundred and fifty dollars, one and one-half times the amount of such damages with interest and where the damages exceed two hundred and fifty dollars and do not exceed five hundred dollars, one and one fourth times the amount of such damages with interest and where the damages exceed five hundred dollars one and fifteen one hundredths times the amount of such damages with interest.

Right to sue
not forfeited.

Sec. 5. That a failure to make such verified claim for such loss, destruction or injury shall not forfeit the right of the person entitled there- to to sue and recover such loss, destruction or in- jury, but unless such claim is duly made as here- in required, only the value of such property, or the injury suffered shall be recovered.

Time of bring-
ing suits.

Sec. 6. That all suits brought under this act shall be brought within one year after the mak- ing of said written demand.

Approved February 9, 1907.

No. 24.)

AN ACT.

(H. 269.

To make appropriations for the ordinary expen- ses for the executive, legislative, and judicial departments of the State, for the interest on the public debt and for public schools.

Appropria-
tions.

Section 1. *Be it enacted by the Legislature of Alabama*, That the following sums of money, or so much of each sum as may be necessary, be, and the same are hereby appropriated for the pur- poses hereinafter specified, to be paid out of any money in the State treasury, not otherwise ap- propriated, for the fiscal years, ending respect- ively on the thirtieth days of September, 1907, 1908, 1909 and 1910, to-wit: 1. For compen-

sation of the governor, five thousand dollars for Governor.
 each year; 2. For compensation of the gover Private secre-
 nor's private secretary, twenty-four hundred dol- tary to Gover-
 lars for each year; 3. For compensation of the nor.
 stenographer or messenger in the executive of Messenger to
 fice, six hundred dollars for each year; 4. For Governor.
 compensation for recording secretary to the gov- Recording sec-
 ernor, twelve hundred dollars for each year; 5. retary to Gov-
 For compensation of the secretary of State, ernor.
 eighteen hundred dollars for each year; and for Secretary of
 clerical assistance in the office of secretary of State.
 State, fifteen hundred dollars for each year; 6. Clerks Secre-
 For compensation of the State auditor, twenty- tary of State.
 four hundred dollars for each year. 7. For Auditor.
 compensation of four clerks in the office of the Clerks Audi-
 State auditor, two at fifteen hundred dollars and tor's office.
 two at twelve hundred dollars each, for each
 year. 8. For compensation of the State treas- Treasurer.
 urer, twenty-one hundred dollars for each year;
 for compensation of three clerks in the office of Clerks Treas-
 the State treasurer, fifteen hundred dollars each, urer's office.
 for each year; 9. For compensation of the at- Attorney Gen-
 torney general, twenty-five hundred dollars for eral.
 each year; for compensation of two clerks, in of- Clerks Attor-
 fice of attorney general, one at one thousand ney General.
 lars for each year, and one at six hundred dollars
 for each year. 10. For compensation of the su- Supt. of Edu-
 perintendent of education, two thousand cation.
 hundred and fifty dollars for each year. 11. For
 compensation of clerical assistance in the office
 of the superintendent of education, four clerks. Clerks Supt. of
 one for fifteen hundred dollars, two at twelve Education.
 hundred dollars each, and one at five hundred
 dollars, for each year. 12. For compensation of
 three servants in the executive offices, three hun- Servants.
 dred dollars each, for each year. 13. For com-
 pensation of three watchmen at the capitol, sev- Watchmen.
 en hundred and eighty dollars each, for each
 year. 14. For compensation of the chief justice
 and six associate justices of the supreme court, Chief Justice
 thirty-six hundred dollars each, for each year; and associate
 for compensation of the marshal of the supreme justices of the
 court and librarian, fifteen hundred dollars for supreme court,
 marshal and
 librarian.

Reporter.	each year. 15. For compensation of the reporter of the supreme court decisions, nine hundred dollars for each volume reported and published.
Secretary of chief justice.	16. For compensation of the secretary of the chief justice, fifteen hundred dollars for each year. 17. For compensation of one servant in the supreme court to be employed by the court and paid by the warrant on the order of the chief justice, three hundred dollars for each year.
Servant.	18. For compensation of thirteen circuit judges, and supernumerary judge, two thousand and five hundred dollars each, for each year, and for the expenses of the supernumerary judge, five hundred dollars for each year to be paid monthly. 19. For compensation of five chancellors, twenty-five hundred dollars each, for each year. 20. For compensation of solicitors for the first, second third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth judicial circuits, twenty-four hundred dollars each, for each year, and for compensation of solicitor for the thirteenth judicial circuit, six hundred dollars for each year, compensation of solicitor for Calhoun county, two thousand dollars for each year. 21. For compensation of the chief mine inspector, fifteen hundred dollars for each year, and for compensation for two associate mine inspectors, twelve hundred dollars each, for each year. 22. For stationery, post-office box rent and postage for the executive and supreme court offices, seven thousand five hundred dollars for each year. 25. For fuel, lights and water used in the capitol for the year ending September 30th, 1907, three thousand dollars, and for the years ending September 30th, 1908, 1909 and 1910, fifteen hundred dollars for each year. 24. For insurance on the capitol building, furniture therein and for the library, thirty-two hundred dollars. 25. For public printing and binding, including the reports of the heads of the departments, supreme court decisions, acts and journals of the legislature, advertisements and proclamations done in pursuance of law for the year ending September
Circuit judges, supernumerary judge, chancellors.	
Solicitors.	
Mine inspectors.	
Stationery and postage.	
Fuel and lights	
Insurance.	
Printing and binding.	

30th, 1907, thirty thousand dollars, and for the years ending September 30th, 1908, 1909 and 1910, ten thousand dollars for each year. 26. Absconding felons. For arrest of absconding felons, two thousand five hundred dollars for each year. 27. For removal of prisoners, six thousand dollars for each year. Removal of prisoners. 28. For feeding prisoners in county jails, one hundred and ten thousand dollars for each year. Feeding prisoners. 29. For incidental and contingent expenses to be disbursed on the order of the governor, four thousand dollars each year. Contingent. 30. For interest on and cost of effecting temporary loans and other arrangements for maintaining the public credit, to be disbursed on the order of the governor, one thousand dollars for each year. Interest on loans. 31. For distributing acts and journals of the legislature of 1907, and other public documents for the year ending September 30th, 1907, seven hundred and fifty dollars, and for the years ending September 30th, 1908, 1909, and 1910, five hundred dollars each. Distribution. 32. For the maintenance of the department of archives and history, three thousand dollars for each year to be used and expended as provided by the law governing said department. Archives and history. 33. For interest on the Agricultural and Mechanical College bonds, twenty thousand two hundred and eighty dollars for each year. A. and M. college. 34. For interest on the sixteenth sections fund, valueless sixteenth section funds, surplus revenue fund and school indemnity land fund for the public schools, one hundred and sixty five thousand dollars for each year, and for the interest on the fund arising on the sale of the land of the Alabama Girls' Industrial School for each year, ten thousand dollars; provided, that no interest shall be paid to the Alabama Girls' Industrial school on any amounts except such sums as are actually received from funds belonging to said school derived from the sale of its lands. School land fund interest. 35. For interest on bonded debt of the State, three hundred and sixty thousand dollars for each year. Interest on bonded debt. 36. For compensation of the secretary of the senate and clerk of the house

Secretary senate and clerk of house.

Secretary of State.

Montevallo school.

Assistant librarian.

Adjutant General.

Tax Commissioner.

Commissioner Agriculture and Industries, and clerks.

Appropriations continued in force.

Legislature.

of representatives, filing and arranging papers of the respective houses, in the secretary of State's office, and for copying and indexing the journals of the respective houses, four hundred and fifty dollars each. 37. For compensation of the secretary of State for preparing copies of the acts for the public printer and notes thereof for the same, ten cents for every hundred words. 38. For the support and maintenance of the Alabama Girls' Industrial School for white girls located at Montevallo, Alabama, fifteen thousand dollars for each year. 39. For compensation of the assistant to the librarian and marshal of the supreme court, one thousand dollars for each year. 40. For compensation of the adjutant general, fifteen hundred dollars for each year. 41. For the compensation of the State tax commissioner, twenty-four hundred dollars for each year. 42. For the compensation of the commissioner of agriculture and industries, twenty-one hundred dollars for each year; for compensation of two clerks in the office of the commissioner of agriculture and industries, one at fifteen hundred dollars for each year and one at twelve hundred dollars for each year.

Sec. 2. That the appropriations hereinbefore made in this act for the year ending September 30th, 1910, be and the same are hereby renewed and continued in force until and including the first day of March, 1911; provided, that not more than half of the several sums appropriated hereinbefore for the year ending September 30th, 1910, shall be expended.

Sec. 3. Be it further enacted, that the per diem and mileage of senators and representatives and for the payment of the officers and employees of the senate and house of representatives, and for the incidental expenses of the regular session of the legislature, fifty thousand dollars are hereby appropriated, and no appropriation herein made shall be construed to be an addition to the appropriation for the same purpose or purposes made by separate act heretofore passed, or that

may hereafter be passed at this session; and provided further, that the appropriation for the same purposes, or any of them in section 1, of the general appropriation act, approved Feb. 13, 1903, shall be construed to be embraced in the appropriations hereinbefore made in section 1 of this act, and shall not be deemed an addition thereto.

Approved February 8, 1907.

No. 25.)

AN ACT.

(H. 357.)

To authorize the secretary of State to employ a stenographer for the office of secretary of State and insurance commissioner, and to fix compensation therefor.

Section 1. *Be it enacted by the Legislature of Alabama*, That the secretary of State may employ a stenographer who shall receive \$900 per annum. Stenographer.

Sec. 2. That the sum of \$900 per annum be and the same is hereby appropriated as compensation for said stenographer. Compensation.

Sec. 39. Said stenographer shall in addition to the work in the office of the secretary of State do the stenographic work of the insurance department under the direction of the secretary of State. Duties of stenographer.

Sec. 4. The provisions of this act shall take effect upon its approval by the governor.

Approved this 9th day of February, 1907.

N. 30.)

AN ACT.

(S. 5

To prescribe and regulate passenger rates on all railroads other than street railroads carrying passengers between points within the State of Alabama.

Act in effect 60
days after ap-
proval.

Rate charged
not to exceed
2 1-2 cents per
mile.

Section 1. *Be it enacted by the Legislature of Alabama*, That from and after sixty days after the passage and approval of this act, the owners and operators of steam railroads in this State engaged in carrying passengers shall not charge exceeding two and one-half cents per mile per passenger for carrying any passengers from one point to another in Alabama, and shall keep and sell at their regular stations tickets at a price not exceeding two and one-half cents per mile or fraction of a mile; but not be required to accept a single fare for less than five cents, and in case of odd miles the passenger shall pay three cents for the last mile or fraction of a mile. Provided that this act shall apply to all lines over one hundred miles in length and their branches operating in this State; and provided further that the rate on all lines not over one hundred miles long in this State shall be fixed by the railroad commission.

Penalties.

Sec. 2. Any corporation, partnership, association or person owning or operating such railroad; or officer, servant or agent of any such who shall knowingly charge or accept fare at a higher rate than prescribed by this act shall be guilty of a misdemeanor and shall on conviction be fined not less than fifty dollars for each offense.

Sec. 3. *Be it further enacted*, That this act shall go into effect after its passage and approval.

Approved February 14, 1907.

No. 31.)

AN ACT.

(S. 7.

To define and prohibit the unlawful giving, issuing, using or receiving free passes, rebates, reductions or discounts for transportation by common carriers of passengers and to punish the unlawful giving, issuing, using or receiving the same.

Section 1. *Be it enacted by the Legislature of Alabama,* That no common carrier, whether a corporation, association, partnership or person engaged in the business of a common carrier of passengers in this State, or the agent, officer, servant or employee of such, shall give, procure for, or deliver to any person or accept any free passes, tickets or free transportation for any person, or give, make or allow any rebate, discount or reduction from such rates as are offered or given to the public at large, except to its employees and their families, its officers or agents, its surgeons, and physicians, and its attorneys at law, and the immediate families of such persons, to ministers of religion, traveling secretaries of the Young Men's Christian Association and the Young Women's Christian Association, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies and hospitals and the necessary agents employed in such transportation; to inmates of the national home or State home for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter, and those returning home after discharge, and boards of managers of such homes, to necessary care takers of live stock, poultry and fruit, to employees on sleeping cars and express cars and to linemen of telegraph and telephone companies; to railway mail service employees, post office inspectors, custom inspectors, and immigration inspectors, to

Issuing of free
passes, etc.,
prohibited.

Exceptions.

newsboys on trains, baggage agents, witnesses attending any legal investigation, in which the common carrier is interested, persons injured in wrecks where being transported from the place of injury to their homes and places for treatment, and physicians and nurses attending such persons and members of the Railroad Commission of Alabama, and employees of such commission when traveling on official business. Provided, that this provision shall not be construed to prohibit the inter-change of passes for the officers, agents and employees of common carriers and their immediate families; nor prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence or other calamitous visitation.

Penalties.

Sec. 2. Any common carrier, agent, servant, officer, or employee of such common carrier violating this act shall be deemed guilty of a misdemeanor, and shall be indicted as such corporation, association, partnership or person, for such offense, on conviction, shall be fined not less than one hundred dollars, nor more than two thousand dollars, or be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, one or both at the discretion of the jury trying the case; and any person, other than the person excepted in this provision, who accepts or uses any such free ticket, free passes or free transportation, rebate, discount or reduction, shall be subject to a like penalty.

Witnesses before grand juries.

Sec. 3. Witnesses before the grand jury, summoned to give evidence of any violation of this law may be required to answer generally as to any such offense within their knowledge, committed within twelve months next preceding, without being specially interrogated as to any particular offense, but no witness shall be prosecuted for any offense as to which he testifies before the grand jury, and any member of the grand jury or solicitor may be a witness to prove this fact.

Sec. 4. Any person who is summoned to go before the grand jury to answer as to any violation of the law prohibiting free passes within his knowledge, and who fails and refuses to attend and testify in obedience to such summons, without a good excuse, to be determined by the court, is guilty of a contempt of court and also a misdemeanor and on conviction for such misdemeanors shall be fined not less than one hundred dollars, nor more than two thousand dollars, or be imprisoned in the county jail, or sentenced to hard labor for the county for not more than six months, one or both at the discretion of the jury trying the case.

Witnesses failing to answer; penalties.

Approved February 14, 1907.

No. 33.)

AN ACT.

(S. 141.)

To authorize the sale and transfer by the quarantine board of Mobile Bay of its site, plant, property and equipment, and to cede jurisdiction over the said quarantine site to the United States. Whereas, the congress of the United States have provided for the establishment of quarantine for the protection of the coast of the United States and for the enforcement of the same by the establishment of suitable stations, and have provided for the acquisition of quarantine plants and sites by purchase thereof.

Preamble.

Now therefore, Section 1. *Be it enacted by the Legislature of Alabama*, That the quarantine board of Mobile bay are hereby authorized and empowered, at such price and on such terms as it may agree upon with the secretary of the treasury of the United States, to sell and convey to the United States the site acquired by said quarantine board of Mobile bay near Fort Morgan, and also all other quarantine property and equipment of the

Quarantine board authorized to convey to U. S. plant and site, etc.

said board including the physician's residence with equipment, the disinfecting barge "Chipman," with equipment, the detention barge, "Undal," with equipment, and the steam launch "Mecca," with equipment; and to make all needful transfers and conveyances thereof to the United States in execution of such sale, and to receive payment of the price thereof from the authorities of the United States.

Jurisdiction
ceded to U. S.

Sec. 2. Be it further enacted, That jurisdiction over the site now owned and heretofore used by said quarantine board of Mobile bay be and the same is hereby ceded to the United States, such cession to take effect from and after any sale of said site and plant to the United States.

Approved February 13, 1907.

No. 35.)

AN ACT.

(S. 231.

To create the 14th judicial circuit of the State of Alabama, to fix the time of holding court therein and to provide for the appointment of the judge and solicitor of said court.

14th judicial
circuit.

Section 1. *Be it enacted by the Legislature of Alabama*, That there is created and established the 14th judicial circuit of the State of Alabama to be composed of the counties of Walker and Winston.

Appointment
of judge.

Sec. 2. That as soon as practicable after the approval of this act, the governor shall appoint a judge in and for said circuit as provided by section 159 of the constitution, and the said judge shall receive the same salary to be paid at the same time and in the same manner as the other circuit judges of Alabama.

Appointment
of solicitor.

Sec. 3. That as soon as practicable after the approval of this act, the governor shall appoint a solicitor in and for said circuit, who shall be paid the same salary at the same time and in the same manner as other circuit solicitors in Alabama.

Sec. 4. That the courts in the counties composing the circuit shall be held at the following times and places: In the county of Winston the 2nd Monday in March and September of each year and may continue two weeks. In the county of Walker the court shall be held as follows: The 2nd Monday in January and continue until the first Monday in March, from the fourth Monday in March until the first day of July, and from the fourth Monday in September until December 31st of each year; provided that the first term of the circuit court for Walker county held under this act may commence on the fourth Monday in March, 1907. And provided further, that the judge of said court may organize the same on any day during the time herein provided for holding the same.

Times and places of holding court.

Sec. 5. That the judge and solicitor to be appointed under this act shall each serve for the term now respectively fixed by law and that their successors shall be elected by the qualified electors of said circuit at the time and in the manner now provided by law for the election of circuit judges and solicitors.

Terms of judge and solicitor.

Approved February 15, 1907.

No. 36.)

AN ACT.

(H. 29.

To amend section 3841 of the Code.

Be it enacted by the Legislature of Alabama, That section 3841 of the code is hereby amended, so as to read: The annual salary of every justice of the supreme court is five thousand dollars, and the several justices may draw their salary at this rate from the first day of the month next after the approval thereof.

Salary of justices of supreme court.

Approved February 18, 1907.

No. 37.)

AN ACT.

(S. 210.)

To provide for the appointment of a joint committee to read and revise the manuscript of the new code prepared by Hon. James J. Mayfield, and to prescribe its powers and duties and to fix the compensation of the committee and clerks and provide for their pay and expenses.

Joint committee to read manuscript of code.

SECTION 1. *Be it enacted by the Legislature of Alabama:* That there is hereby created a joint committee to be composed of three senators and five representatives, who are hereby authorized and required to read, during the recess of the legislature the whole manuscript of the new code, as prepared by Hon. James J. Mayfield.

Duties of committee.

SEC. 2. The committee shall revise, amend and correct the manuscript so as to make it a harmonious body of law, as nearly perfect as possible, and in doing this, they shall keep correct minutes of their proceedings, to be signed by the chairman of the committee, and returned with the manuscript, so that their amendments, and corrections may be correctly incorporated in the published code.

Clerks; compensation of.

Compensation and mileage of members.

SEC. 3. The committee shall have authority to employ two clerks, one of whom must be a skillful stenographer and who shall receive not exceeding eight dollars a day, and another who must be a competent, well qualified law clerk, who shall receive not exceeding five dollars a day. The members of the committee shall receive ten dollars per day and the same mileage allowed by law to them as members of the legislature. The pay of members of the committee and clerk shall be for the whole time they are actually engaged in the work for which they are appointed, provided they do not take any recess longer than two days at a time.

SEC. 4. The chairman of the committee shall certify to the auditor, the amount due the members and clerks of the committee, who must draw his warrant therefor on the State treasurer.

Chairman of committee to certify accounts to auditor.

SEC. 5. The governor will designate some comfortable room in the capitol and have the same suitably furnished and well lighted for the use of the committee, and the secretary of State will furnish all necessary stationery or things required by the committee.

Room in capitol.

SEC. 6. The joint committee shall codify and incorporate in the manuscript code, all general acts passed by the legislature at this session.

General acts to be incorporated.

SEC. 7. The secretary of State shall have printed, in pamphlet form, one thousand copies of the report of commissione., James J. Mayfield, showing the changes and corrections made by him, for the use of the legislature.

Report in pamphlet form.

SEC. 8. Any vacancy occurring in the senate membership of the committee shall be filled by the president of the senate and any vacancy occurring in the house membership of the committee shall be filled by the speaker of the house.

Vacancies; how filled.

Approved, Feb. 15, 1907.

No. 41.)

AN ACT.

(H. 270.

To make an appropriation for the compensation of the land clerk in the office of the State auditor.

Section 1. *Be it enacted by the Legislature of Alabama,* That the compensation of the land clerk in the office of the State auditor shall be fifteen hundred dollars per annum.

Land clerk's compensation.

Sec. 2. That the sum of fifteen hundred dollars per annum be and the same is hereby appropriated for the compensation of said land clerk in the office of the State auditor.

Appropriation.

Sec. 3. That this act shall take effect immediately upon its approval by the governor.

Approved February 15, 1907.

No. 44.)

AN ACT.

(H. 568.

To amend sections one and two of an act entitled an act to regulate the volunteer military forces of the State of Alabama, approved February 23, 1899

Act 1899
amended.

National guard
to consist of.

Duty commander
in chief.

Naval reserve.

Commander-in-chief,
staff to consist of.

Section 1. *Be it enacted by the Legislature of Alabama*, That sections one and two of an act entitled an act to regulate the volunteer military forces of the State of Alabama, approved Feb. 23, 1899, be and the same are hereby amended so as to read as follows: Section 1. That the active volunteer organized military forces of the State of Alabama shall constitute and be known as the Alabama National Guard, and may consist of not more than three regiments of infantry, one regiment of cavalry, one regiment of artillery and one company of signal troops and the governor of the State shall be the commander-in-chief thereof. The organization, armament and discipline of the Alabama National Guard shall be the same as that which is now or may be hereafter prescribed for the regular and volunteer armies of the United States. It shall be the duty of the commander-in chief from time to time, to make and publish such orders as may be necessary to conform said Alabama National Guard in organization, armament and discipline to that prescribed for the army of the United States and such orders, when duly made and published shall have the force and effect of law. The governor, in his discretion, is authorized to organize a naval reserve in accordance with the rules and regulations prescribed therefor by the United States government, and to commission the officers thereof.

Sec. 2. The staff of the commander-in-chief shall consist of the following officers, to be appointed by him and commissioned as officers of the Alabama National Guard, holding office at his pleasure except as may be otherwise provided: One adjutant general, who shall be chief

of staff; one inspector general; one quartermaster general, each with the rank of brigadier general; one judge advocate general, who shall be a member of the supreme court bar of at least five years' standing; one surgeon general, who shall be a graduate of some incorporated school of medicine and of at least five years' practice; one chief of engineers; one chief of ordnance; one paymaster general; one commissary general of subsistence; one chaplain; one assistant adjutant general; one assistant inspector general; one assistant quartermaster general; and four aide-de-camp; each with the rank of colonel of cavalry; and four aides-de-camp, each with the rank of lieutenant colonel of cavalry.

Approved February 15, 1907.

No. 47.)

AN ACT.

(H. 389.)

To amend section 2030 of the code.

Be it enacted by the Legislature of Alabama, That section 2030 of the code be and the same is hereby amended so as to read as follows: 2030. May appoint assistant attorney general. The attorney general may appoint one assistant in his office to be known as assistant attorney general and remove him at pleasure. The salary of such assistant attorney general shall be fifteen hundred dollars per annum payable out of any moneys in the State treasury not otherwise appropriated as the salaries of other officers are paid. Assistant Attorney-General.

Approved February 19, 1907.

No. 48.)

AN ACT.

(H. 462.)

To amend section 2301 of the code.

Guardian authorized to compromise debts due ward.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 2301 of the code be and the same is hereby amended so as to read as follows: Section 2301. The court of probate may authorize a guardian to compromise any claim or debt due, or claimed to be due, the ward, which is of doubtful collection, (either by reason of the doubtful solvency of the debtor, or of the doubtful validity at law or in equity of the said claim or debt), and has not become so by reason of the negligence of the guardian.

Approved this 19th day of Feb. 1907.

No. 50.)

AN ACT.

(H. 110.)

Relating to the preservation, propagation and protection of the fish of Alabama.

Title to all fish in State.

Section 1. *Be it enacted by the Legislature of Alabama*. That the ownership and title to all fish in the State of Alabama not held by private ownership legally acquired, is hereby declared to be in the State, and no fish shall be caught, taken, or killed in any manner or at any time, or had in possession except the person so catching, taking, killing or having in possession shall consent that the title to said fish shall be and remain in the State of Alabama for the purpose of regulating and controlling the use and disposition of after such catching, taking or killing.

Use of explosives prohibited, exceptions.

Sec. 2. That the use of dynamite or explosives of any kind in the waters in this State is prohibited except by special permission of and under the supervision of the State Game and Fish Commissioner, and then only for mining or mechanical purposes, or to recover the bodies of persons. Any person, firm or corporation vio-

lating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than one hundred nor more than three hundred dollars. Penalties.

Sec. 3. That it shall be unlawful for any person to take, catch or kill any fish in any of the waters of this State by means of any seine, trammel net, gill net, fish trap or any other device or trap, or by any means other than by ordinary hook and line, gig, spear or trot line. This provision shall not apply to ponds and reservoirs wholly on the premises belonging to any person using such device; provided, this section shall not apply to navigable rivers, one hundred yards from the mouth of any stream emptying into any such rivers, or to the salt waters of the State, and provided further the provisions of this act shall not apply to any waters in the State in which the tide ebbs and flows; provided further, that this section shall apply within one-half mile of locks or dams on navigable rivers. Any person may use a small seine not more than twelve feet in length and four feet in width known as minnow seine for catching minnows to be used for bait only. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and shall on conviction be fined not less than fifty nor more than two hundred dollars. Seines, nets, etc., prohibited. Exceptions. Minnow seines.

Sec. 4. All money arising under the provisions of this act from fines, forfeitures, etc., shall be forwarded to the State treasurer on the first day of each month and covered into the game protection fund. Monies to be forwarded to State treasurer.

Sec. 5. Each county game and fish warden shall receive one half of all the fines, forfeitures and penalties collected under the game and fish laws in the county in which he holds office. Compensation of wardens.

Approved February 19, 1907.

No. 56.)

AN ACT.

(H. 150.)

To amend an act to amend section 909 of the code of 1896, approved February 28, 1903, so far as the same relates to the times of holding the circuit court in Marion county, Alabama.

Act of 1903
amended.

Time of hold-
ing court; Ma-
rion county.

Judges duty.

Grand and
petit jurors.

Section 1. *Be it enacted by the Legislature of Alabama.* That sub division 3 of an act to amend section 909 of the code of 1896, approved February 28, 1903, be amended to read as follows: 3. "In the county of Marion on the third Monday in February and August, and may continue two weeks; provided, That when the presiding judge of said circuit court at the close of any term of said circuit court, is of the opinion that the business of the next succeeding term may be disposed of in one week, it shall be his duty to make an order on the minutes of said court that at the next succeeding term thereof the criminal docket will be taken up on Wednesday of the first week, and that the clerk need not summon the petit jury for said second week.

Sec. 2. That the grand and petit jurors drawn for the spring and fall terms of said court for 1907, shall be used at the times provided for in this act, provided that the provisions of this act shall not be in effect until on and after June 1, 1907.

Approved this the 21st day of February, 1907.

No. 57.)

AN ACT.

(H. 165.)

For the relief of J. D. Crow, an indigent and aged confederate soldier.

Section 1. *Be it enacted by the Legislature of Alabama,* That there shall be appropriated out of the treasury of Alabama, not otherwise appropriated, for the relief of J. D. Crow, an indigent and aged confederate soldier, a citizen of Mor-

gan county, Alabama, the sum of fifty-two dollars and sixty-five cents (\$52.65) for the years 1903 and 1904, as pension.

Approved this the 21st day of February, 1907.

No. 65.)

AN ACT.

(S. 43.

To regulate railroads and other common carriers in this State; to secure reasonable rates and adequate service, and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof.

Section 1. *Be it enacted by the Legislature of Alabama,* That all railroads heretofore constructed or which may be hereafter constructed in this State are hereby declared public highways, and all railroad companies, or other companies, corporations, or individuals engaged in the transportation of persons or freight over railroads for hire are hereby declared common carriers.

Declaring railroads public highways and common carriers.

Sec. 2. Every common carrier defined in the preceding section shall print in plain type and file with the railroad commission, within a time to be fixed by said commission, schedules, which shall be open to public inspection, showing all rates, fares and charges for the transportation of passengers or property, and any service in connection therewith, which it has established, and which are in force at the time between all points in this State upon its line and any line controlled or operated by it. The schedule printed as aforesaid shall plainly state the places upon its line or any line controlled or operated by it in this State, between which passengers and property will be carried, and there shall be filed therewith the classification of freight in force. Every common carrier shall publish with and as part of such schedules all rules and regulations that in any manner affect the rates charged or to be

Requiring common carriers to file schedules with railroad commission.

What schedule shall state.

Requiring
schedule to be
filed and posted.

Schedule of
joint rates.

Time of filing
with railroad
commission.

As to changes
in schedule.

Copies of new
schedule filed
and posted.

charged for the transportation of passengers or property, also its charges for delay in loading or unloading cars, for track and car service, or rental, and for demurrage, switching, terminal, or transfer service, or for rendering any other service in connection with the transportation of persons or property. Two copies of such schedule shall be filed and kept on file for the use of the public and posted in a conspicuous place in every depot, station and office of such common carrier where passengers or freight are received for transportation, in such form and place as to be accessible to the public and conveniently inspected. When passengers or property are transported over connecting lines in this State, operated by more than one company or association, and the several companies operating such line establish joint rates, fares, and charges a schedule of joint rates shall also in like manner be printed and filed with the commission, and filed and posted in a conspicuous place in every depot, station and office of such railroads or other common carrier where such passengers or property are received for transportation. All freight tariffs issued by any such carriers relating to inter-State traffic in this State shall be filed in the office of the railroad commission within thirty days after the passage and publication of this act, and all such tariffs hereafter issued shall be filed with the commission when issued.

Sec. 3. No change shall thereafter be made in any schedule, including schedule of joint rates, or in any classification, except after ten days' notice to the railroad commission, and approval by it, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect; provided, that the railroad commission, upon application by any railroad, may prescribe a less time within which a reduction may be made. Copies of all new schedules shall be filed and posted as here-

inbefore provided in every depot, station and office of such railroad in this State ten days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

Sec. 4. Whenever a change is made in any existing schedule, including schedule of joint rates, a notice shall be posted by the common carrier in a conspicuous place in every depot, and station and office, stating that changes have been made in the schedule on file, specifying the class or commodity affected and the date when the same will take effect.

Notice as to change in schedule.

Sec. 5. It shall be unlawful for any railroad to charge, demand, collect or receive a greater or less compensation for the transportation of passengers or property, or for any service in connection therewith than is specified in such printed schedule including schedules of joint rates, as may at the time be in force, except as provided by law, or the railroad commission, and the rates, fares and charges named therein shall be the lawful rates when approved by the railroad commission, but the commission may prescribe such changes in the form in which the schedules are issued by the railroads as may be found expedient.

Penalty for violation of schedule; exceptions.

Sec. 6. Every railroad operated in this State shall file with the railroad commission within the time to be fixed by the commission copies of all contracts which relate to the transportation of persons or property, or any service in connection therewith, made or entered into by it with any other railroad company, car company, or equipment company, express, or other transportation company.

Copies of contracts as to transportation to be filed with railroad commission.

Sec. 7. Every railroad shall, on or before the first day of September in each year, and oftener if required by the railroad commission, file with the commission a verified list of all railroad tickets, passes, mileage books issued free or for other than actual bona fide money consideration at full established rates during the preceding year, ending June the 30th, together with the names of

Railroads required to file verified list of all tickets, passes, etc.

recipients thereof, the amounts received therefor, and the reason for issuing the same. This provision shall not apply to the sale of tickets at reduced rates authorized by the law, or rates open to the public, nor to tickets, passes, or mileage books issued prior to the passage of this act.

Penalty for violation as to rebate, false billing, etc.

Sec. 8. If any railroad, or any agent or officer thereof, shall directly or indirectly, or by special rate, rebate, drawback, or by means of false billing, false classification, false weighing, false report of weights, or by any other device whatsoever charge, demand, collect, or receive from any person, firm or corporation, a greater or less compensation for any service rendered, or to be rendered by it for the transportation of persons or property, or for any service in connection therewith, than that prescribed in the published tariffs, or than it charges, demands, collects or receives from any other person, firm, company, or corporation for a like service, such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be unlawful, and shall forfeit to the State of Alabama, and pay into the State treasury not less than one hundred dollars nor more than ten thousand dollars for each offense.

Unlawful to charge less compensation.

Sec. 9. It shall be unlawful for any railroad to demand, charge, collect, or receive from any person, firm, or corporation a less compensation for the transportation of property, or for any service rendered, or to be rendered by said railroad in consideration of said person, firm or corporation, furnishing any part of the facilities incident thereto.

Joint rates must be reasonable.

Sec. 10. Whenever passengers or property are transported over two or more connecting lines of railroad between points in this State, and the railroad companies have made joint rates for the transportation of the same such rates, and all charges in connection therewith, shall be just and reasonable, and every unjust and unreasonable charge is prohibited and declared to be unlawful, provided, that a less charge by each of

said railroads for its proportion of such joint rates than is made locally between the same points on their respective lines shall not for that reason be construed as a violation of the provisions of this act nor render such railroads liable to any of the penalties thereof.

Sec. 11. Nothing in this act shall be construed to prevent concentration, commodity, transit and other special contract rates, but all such rates shall be open to all shippers for a like kind of traffic under similar circumstances and conditions, and shall be subject to the provisions of this act as to the printing and filing of the same; provided all such rates shall be under the supervision and regulation of the railroad commission.

Concentration,
commodity,
transit and
other special
contract rates
not prevented.

Sec. 12. When two or more railroad companies have roads running to or through the same town or city, or near enough thereto to receive freight traffic from said town or city, it shall be the duty of said companies when required by an order of the railroad commission, to make and maintain a physical connection between their respective tracks, where the tracks are of the same gauge, at such point in or near said town or city as the commission shall require, so that cars may be transferred from the one road to the other and there may be an interchange of traffic between them, where such connection, in the judgment of the railroad commission, is reasonably practicable and can be put in with safety, and will furnish sufficient business to justify the construction and maintenance of the same where rights of way can be obtained by condemnation or otherwise, on terms deemed reasonable by the railroad commission. And it shall be the duty of each company to afford reasonable and proper facilities for such interchange of traffic the one with the other.

Physical connection between tracks when required.

Sec. 13. It shall be the duty of every common carrier operating a railroad subject to the provisions of this act, and the railroad commission shall have authority to

Construct
switch connec-
tion, when
required.

require such common carrier, upon the application of any other railroad, or of any shipper tendering freight traffic for transportation, made either to the commission or to said common carrier, to construct, maintain and operate upon reasonable terms, a switch connection with such other railroad or with any private side-track which may be constructed to connect with its railroad, where such connection in the judgment of the railroad commission, is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and to furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any shipper.

Provide equal
and reasonable
facilities for
interchange of
cars, etc.

Sec. 14. All common carriers subject to the provisions of this act shall provide at all points of connection, crossing or intersection at grade, where it is practicable and necessary for the interests of traffic, ample facilities by track connections for transferring any cars used in the regular business of their respective lines of road from their lines or tracks to those of any other common carrier whose lines or tracks may connect with, cross or intersect their own, and shall provide equal and reasonable facilities for the interchange of cars and traffic between their respective lines, and for the receiving, forwarding and delivering of passengers, property and cars to and from their several lines and those of other common carriers connecting therewith, and shall not discriminate in their rates or charges between such connecting lines or on freight coming over such lines; but this shall not be construed as requiring any common carrier to furnish for another common carrier its track, equipment or terminal facilities without reasonable compensation. Each of said connecting lines shall pay its proportionate share for the building and maintenance of such tracks and switches as may be necessary to furnish the transfer facilities required in this section.

Sec. 15. All railroads shall afford all reasonable and proper facilities for the interchange of traffic between their respective lines for forwarding and delivering passengers and property, and shall transfer and switch for a reasonable compensation, and deliver without unreasonable delay or discrimination any freight or cars, loaded or empty, destined to any points on its tracks or any connecting lines; provided, that precedence over other freight shall be given to live stock, and perishable freight.

Facilities for interchange of traffic and compensation for same.

Sec. 16. Every railroad shall, when within its power so to do, and upon reasonable notice, furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all kinds of freight in car load lots: When the owner, manager or shipper of any freight of any description shall make application in writing to any superintendent, agent or other person in charge of transportation of any railway company, or receiver or trustee operating any railroad, at the points where the cars are desired upon which to ship any freight or point nearest thereto if there be no such agent at such points, it shall be the duty of such railroad company, receiver, trustee, or other person in charge thereof, provided there is a station or side-track or spur track at said point, to supply the number of cars so required within such reasonable time thereafter as may be prescribed by the orders and rules of the railroad commission pertaining to car service, provided, in case of insufficiency of cars at any time to meet all requirements, such cars as are available, shall be distributed among the several applicants therefor in proportion to their respective immediate requirements, without discrimination between shippers, or competitive or non-competitive places; provided further, that preference may be given shippers of live stock and perishable property.

Must furnish cars.

In case of insufficiency of cars; how distributed.

Sec. 17. If any railroad company or other common carrier shall directly or indirectly make or give any undue or unreasonable preference or

Unlawful to
to make or
give any un-
due or unrea-
sonable prefer-
ence.

Penalty.

Unlawful for
person, firm or
corporation to
accept rebate.

Penalty.

Must provide
depots for ac-
commodation
of passengers.

Also provide
buildings,
switches, etc.,
for freight.

advantage to any particular person, firm, corporation or locality or subject any particular person, firm, or corporation or locality, to any undue or unreasonable prejudices or disadvantage in any respect whatsoever, such railroad shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared unlawful, and shall forfeit to the State and pay into the state treasury not less than five hundred dollars, nor more than five thousand dollars for each and every offense.

Sec. 18. It shall be unlawful for any person, firm or corporation knowingly to accept or receive any rebate, concession or discrimination in respect to transportation wholly within the State of any property or for any services in connection therewith whereby any such property shall by any device whatsoever be transported at a less rate than that named in the published tariffs in force as provided herein, or whereby any service or advantage is received other than is provided by law. Any person, firm or corporation knowingly violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars, nor more than one thousand dollars for each offense.

Sec. 19. It shall be the duty of every railroad company subject to the provisions of this Act, and the railroad commission may require it, to provide and maintain adequate depots and depot buildings at its regular stations for the accommodation of passengers, together with a sufficient force of employees at each of said depots to transact efficiently the business and traffic thereat, and to maintain a ticket office at each of said depots for the sale of tickets; and said depot buildings shall be kept clean, well lighted, and warmed, with such other reasonable comforts, necessities, and conveniences as may be prescribed by the railroad commission for the comfort and accommodation of the traveling public. All railroads shall keep and maintain adequate and suitable depots,

buildings, switches and side tracks, for the receiving, handling and delivering of freight transported or to be transported by such railroads, provided that this shall not be construed as repealing any existing law on the subject not in conflict therewith.

Sec. 20. Every railroad in this State on the order of the railroad commission is required to provide, construct, and maintain adequate depots and depot buildings for the accommodation of passengers, and for receiving and handling freight when public necessity demands it, and the revenue received at such point will be sufficient to justify it, together with a sufficient force of employes at each said depot to transact efficiently the business and traffic thereat.

Railroads required to provide depots etc. on order of railroad commission.

Sec. 21. Every railroad in this State is required to construct and maintain spur tracks and side tracks to industries already established, under such reasonable rules and orders as may be made by the commission.

Railroads required to construct spur tracks, etc.

Sec. 22. Any two or more railroads which now or may hereafter enter any city or town are hereby required when practicable or when the necessities of the case in the judgment of the railroad commission, demand it, to have and maintain one common, or union passenger depot, for the security, accommodation, and convenience of the traveling public, and to unite in the joint undertaking and expense of erecting, constructing and maintaining such union passenger depot commensurate with the business and revenues of such railroad companies or corporations, on such terms, regulations, provisions and conditions as the railroad commission may prescribe.

Union passenger depot; when required.

Sec. 23. All railroad companies shall on demand issue duplicate freight receipts to shippers, in which shall be stated the class or classes of freight shipped and the rate to the point of destination and aggregate charge made for the transportation.

Issue duplicate freight receipts on demand.

Sec. 24. Every railroad, or other common carrier, subject to the provisions of this Act its

Duty of railroad as to receiving freight and transporting same.

agents or officers whose duty it is to receive freights, shall receive all articles of the nature and kind received by said company for transportation whenever tendered at a regular depot or station at proper hours and in good shipping condition according to reasonable rules prescribed by law or the railroad commission, and every loaded car tendered at a side track or any warehouse connected with the railroad by a siding and shall forward the same without delay and within a reasonable time to point of destination, under and in compliance with such reasonable rules, regulations, and requirements as may be prescribed by the railroad commission or by law. Upon the failure of any such railroad company or other common carrier doing business in this State to transport goods, merchandise, or property of any description, delivered to it for shipment to and from any points within the State in such reasonable time as the railroad commission or the law may prescribe unless otherwise agreed upon between the company and the shipper, or unless such property be burned, stolen, or otherwise destroyed, such railroad company or other common carrier shall forfeit to the party aggrieved, such sum as may now or hereafter be prescribed by law for such delay, and, in addition, shall be liable to the party aggrieved for such damages as he may sustain by reason of said delay.

Penalty for failure.

Settlement of freight charges.

Section 25. All common carriers doing business in this State shall settle their freight charges according to the rate stipulated in the bill of lading, provided the rate stipulated therein be in conformity with the classifications and rates made and filed with the interstate commerce commission, in case of shipment from without the State, and with those filed with or established or approved by the railroad commission of this State or those established by statute, in case of shipments wholly within the State, by which classification and rates all consignees shall in all cases be entitled to settle freight charges with

such carriers, and it shall be the duty of such common carriers to inform any consignee or consignees of the correct amount due for freight, according to such classification and rates, and upon payment or tender of the amount due, according to such classification and rates, on any shipment which has arrived at its destination, such carrier shall deliver the freight in question to the consignee.

Upon tender of freight charges railroad required to deliver freight.

Sec. 26. Whenever any freight of any kind shall be received by any common carrier in this State to be delivered to any consignee, within this State, and a portion of the same shall not have been received at the place of destination, it shall be unlawful for the carrier to demand any part of the charges for freight or transportation due for such portion of the shipment as shall not have arrived at the place of destination. The carrier shall be required to deliver to consignee such portion of the consignment as shall have been received upon the payment or tender of the freight charges due upon such portion, unless otherwise agreed upon between the consignee and carrier, but nothing in this Act shall be construed as interfering with or depriving a consignor, or other person having authority of his rights of stoppage in transitu.

When only portion of freight received; duty of carrier.

Does not interfere with right of stoppage in transit.

Sec. 27. This act shall not deprive any consignee of any right or remedies now existing against common carriers in regard to freight charges or claims for loss or damage to freight, but shall be deemed and held as creating an additional liability upon said common carrier.

Does not interfere with any right of consignee now existing.

Additional liability.

Sec. 28. In case of any overcharge on published or lawful rates the person aggrieved may file with any agent of the company collecting or receiving greater compensation than the lawful rate a written demand, supported by a paid freight bill or duplicate thereof for refund of overcharge, and a maximum period of sixty days from date of filing shall be allowed such company to pay claims filed under this section.

In case of overcharge of rates.

Time allowed carrier to refund.

Penalty for failure to refund.

Sec. 29. Any company, failing to refund such overcharges within the time allowed in the preceding section shall forfeit to the party aggrieved the sum of one dollar for each day's delay in paying or satisfying said claim beyond the time allowed until such claim is paid. Provided, the total forfeiture shall not exceed one hundred dollars. Cause of action for the recovery of the overcharge and the penalties provided may be embraced in the same complaint.

Reduced rates of freight; to whom allowed.

Sec. 30. Nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, the State, or any municipality, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or property shipped by employes for their own exclusive use or consumption, or that of their immediate families or for the issuance of excursion, mileage, or commutation tickets, provided the same shall be obtainable by all the persons applying therefor under like circumstances and conditions. This act shall not prevent railroads from giving free transportation or reduced rates therefor to any person authorized by law to receive such free transportation or reduced rates therefor or to prevent the exchange of passes with officers and employees and employees of other railroads and immediate members of their families. Upon the shipment of live stock or other property requiring the care of an attendant, the railroad may furnish transportation, including return passage, to the shipper or some person or persons designated by him.

Free transportation or reduced rates; when allowed.

Penalty for violating act.

Sec. 31. If any railroad company or other common carrier subject to the provisions of this act shall do, or cause to be done, or permit to be done, any matter, act, or thing in this Act prohibited, or declared to be unlawful or shall omit to do any act, matter or thing required to be done by it, or shall fail or refuse to perform any duty enjoined upon it, for which a penalty has not been provided, or shall fail, neglect or refuse to obey any lawful requirement or order of the railroad

commission, for which a penalty has not been provided, for every such violation, failure or refusal, such common carrier shall forfeit to the State, and pay into the state treasury a sum not less than one hundred dollars, and not more than ten thousand dollars for each offense. In construing and enforcing the provisions of this section, the act, the omission, or failure of any officer, agent or other person acting for or employed by any common carrier, while acting within the scope of his employment, shall in every case be deemed to be the act or omission or failure of such common carrier, and in addition to the penalties herein provided such common carrier shall, for each violation be liable to the person, firm or corporation injured thereby in treble the amount of damages incurred in consequence.

Company liable
for acts of
agent, officer
or employee.

Additional liability.

Sec. 32. The Railroad Commission of Alabama shall have authority, and it is hereby made its duty, to enforce by appropriate orders and by legal proceedings instituted by it all the provisions of this Act, and all the provisions of all laws enacted for the purpose of regulating railroad and other transportation companies, or for the purpose of prescribing the duties of such companies.

Authority of
railroad com-

Sec. 33. If any section or provision of this act shall, for any reason, be, or be held by any court of competent jurisdiction and of final resort to be, invalid, inoperative or void, the residue of the Act shall not be thereby invalidated or affected.

Invalidity of
section ineffective
as to act.

Sec 34. That all laws and parts of laws in conflict or inconsistent with this act or any provisions thereof, be and the same are hereby repealed.

Repeal.

Sec. 35. Be it further enacted, That this act shall go into effect immediately after its passage and approval.

Effect after
passage.

Approved this 23 day of Feb., 1907.

To fix the compensation of the several State executive officers, officers of departments and boards, sub-ordinate officers, clerks, watchmen, and capitol servants, and to make appropriations therefor.

Salary of officers, clerks, etc.	Section 1. <i>Be it enacted by the Legislature of Alabama,</i> That the compensation of the several State executive officers, officers of departments and boards, subordinate officers, clerks, watchmen and capitol servants, and the number in each department shall be as follows: 1. The salary of the governor shall be five thousand dollars per annum, and the sum of five thousand dollars per annum is hereby appropriated for the payment thereof. 2. The salary of the attorney general shall be three thousand dollars per annum, and the sum of three thousand dollars per annum is hereby appropriated for the payment thereof. 3.
Salary of Governor.	The salary of the State auditor shall be three thousand dollars per annum, and the sum of three thousand dollars per annum is hereby appropriated for the payment thereof. 4. The salary of the secretary of State shall be three thousand dollars per annum, and the sum of three thousand dollars per annum is hereby appropriated for the payment thereof. 5. The salary of the State treasurer shall be three thousand dollars per annum, and the sum of three thousand dollars per annum is hereby appropriated for the payment thereof. 6. The salary of the superintendent of education shall be three thousand dollars per annum, and the sum of three thousand dollars per annum is hereby appropriated for the payment thereof. 7. The salary of the commissioner of agriculture and industries shall be three thousand dollars per annum, and the sum of three thousand dollars per annum is hereby appropriated for the payment thereof. 8. The salary of the president of the board of inspectors of convicts shall be three thousand dollars per annum, and the sum
Salary of Attorney General.	
Salary of State auditor.	
Salary Secretary State.	
Salary State Treasurer.	
Salary Supt. Education.	
Salary Com. Agr. and Ind.	
Salary president board of convict inspectors.	

of three thousand dollars per annum is hereby appropriated out of the convict fund for the payment thereof. 9. The salaries of the two associate inspectors of convicts shall be two thousand four hundred dollars each for each year, and the sum of two thousand four hundred dollars each for each year is hereby appropriated out of the convict fund for payment thereof. 10. The salary of the director of the department of archives and history shall be two thousand five hundred dollars per annum, and the sum of two thousand five hundred dollars per annum is hereby appropriated for the payment thereof. Provided, however, that the salaries of the officers mentioned in this section shall become effective at the expiration of the terms of office of the present incumbents, except as to the governor.

Salary of associate inspectors.

Salary director Dept. Archives and History.

When to take effect.

Sec. 2. There shall be employed in the office of the governor clerical assistance as follows: 1. A private secretary, whose salary shall be two thousand four hundred dollars per annum, and the sum of two thousand four hundred dollars per annum is hereby appropriated for the payment thereof; 2. A recording secretary, whose salary shall be fifteen hundred dollars per annum, and the sum of fifteen hundred dollars per annum is hereby appropriated for the payment thereof; 3. A stenographer, or messenger, whose salary shall be nine hundred dollars per annum, and the sum of nine hundred dollars per annum is hereby appropriated, for the payment thereof.

Clerical assistance to Governor, salary of.

Sec. 3. There shall be employed in the office of the attorney general the following assistants: 1. One assistant attorney general, whose salary shall be fifteen hundred dollars per annum, and the sum of fifteen hundred dollars per annum is hereby appropriated for the payment thereof; 2. One stenographer, whose salary shall be seven hundred and fifty dollars per annum, and the sum of seven hundred and fifty dollars per annum is hereby appropriated for the payment thereof.

Clerical assistance to Attorney-General, salary of.

Clerical assistants to State Auditor.

Salary of.

Sec. 4. There shall be employed in the office of the State auditor the following assistance: 1. A chief clerk whose salary shall be eighteen hundred dollars per annum, and the sum of eighteen hundred dollars per annum is hereby appropriated for the payment thereof; 2. A warrant clerk, whose salary shall be eighteen hundred dollars per annum, and the sum of eighteen hundred dollars per annum is hereby appropriated for the payment thereof; 3. A general book-keeper, whose salary shall be fifteen hundred dollars per annum and the sum of fifteen hundred dollars per annum is hereby appropriated for the payment thereof; 4. A land clerk whose salary shall be fifteen hundred dollars per annum, and the sum of fifteen hundred dollars per annum is hereby appropriated for the payment thereof; 5. A filing clerk, whose salary shall be twelve hundred dollars per annum, and the sum of twelve hundred dollars per annum is hereby appropriated for the payment thereof; 6. A stenographer and pension clerk, whose salary shall be nine hundred dollars per annum, and the sum of nine hundred dollars per annum is hereby appropriated for the payment thereof.

Clerical assistance to Secretary of State

Salary of.

Sec. 5. There shall be employed in the office of the secretary of State clerical assistance as follows: 1. One chief clerk, whose salary shall be eighteen hundred dollars per annum, and the sum of eighteen hundred dollars per annum is hereby appropriated for the payment thereof; 2. One stenographer whose salary shall be nine hundred dollars per annum, and the sum of nine hundred dollars per annum is hereby appropriated for the payment thereof.

Clerical assistance State Treasurer.
Salary of.

Sec. 6. There shall be employed in the office of the State treasurer clerical assistance as follows: 1. A chief clerk, whose salary shall be eighteen hundred dollars per annum, and the sum of eighteen hundred dollars per annum is hereby appropriated for the payment thereof. 2. Two clerks, whose salaries shall be fifteen hundred dollars each for each year, and the sum of fifteen

hundred dollars each for each year is hereby appropriated for the payment thereof: 3. A stenographer whose salary shall be seven hundred and fifty dollars per annum, and the sum of seven hundred and fifty dollars per annum is hereby appropriated for the payment thereof.

Sec. 7. There shall be employed in the office of the State superintendent of education clerical assistance as follows; 1. A chief clerk whose salary shall be eighteen hundred dollars per annum, and the sum of eighteen hundred dollars per annum is hereby appropriated for the payment thereof; 2. Two book keepers, whose salaries shall be fifteen hundred dollars each for each year, and the sum of fifteen hundred dollars each for each year is hereby appropriated for the payment thereof; 3. A stenographer, whose salary shall be seven hundred and fifty dollars per annum, and the sum of seven hundred and fifty dollars per annum is hereby appropriated for the payment thereof.

Clerical assistance to Dept. Education.

Salary of.

Sec. 8. There shall be employed in the office of the commissioner of agriculture and industries clerical assistance as follows: 1. A chief clerk, whose salary shall be eighteen hundred dollars per annum, and the sum of eighteen hundred dollars per annum is hereby appropriated for the payment thereof. 2. One clerk whose salary shall be twelve hundred dollars per annum and the sum of twelve hundred dollars per annum is hereby appropriated for the payment thereof. 3. A stenographer, whose salary shall be seven hundred and fifty dollars per annum, and the sum of seven hundred and fifty dollars per annum is hereby appropriated for the payment thereof.

Clerical assistance Com. Agr. and Ind.

Salary of.

Sec. 9. There shall be employed in the convict bureau clerical assistance as follows: 1. A chief clerk whose salary shall be eighteen hundred dollars per annum, and the sum of eighteen hundred dollars per annum is hereby appropriated out of the convict fund for the payment thereof. 2. One clerk, whose salary shall be

Clerical assistance convict bureau. Salary of.

fifteen hundred dollars per annum, and the sum of fifteen hundred dollars per annum is hereby appropriated out of the convict fund for the payment thereof. 3. A stenographer whose salary shall be seven hundred and fifty dollars per annum, and the sum of seven hundred and fifty dollars per annum is hereby appropriated out of the convict fund for the payment thereof.

Clerical assistance Dept. Archives and History.
Salary of.

Sec. 10. There shall be employed in the department of archives and history clerical assistance as follows: 1. A stenographer whose salary shall be seven hundred and fifty dollars per annum, and the sum of seven hundred and fifty dollars per annum is hereby appropriated for the payment thereof.

Clerical assistance State Board of Health.
Salary of.

Sec. 11. There shall be employed in the office of the State board of health clerical assistance as follows: 1. A chief clerk, whose salary shall be twelve hundred dollars per annum and the sum of twelve hundred dollars per annum is hereby appropriated for the payment thereof.

Watchmen employed.
Salary of.

Sec. 12. There shall be employed by the governor four watchmen for the capitol, whose salaries shall be nine hundred dollars each for each year, and the sum of nine hundred dollars each for each year is hereby appropriated for the payment thereof.

Servants employed.
Salary of.

Sec. 13. There shall be employed by the governor four servants for the executive offices, departments and boards, who shall receive four hundred and twenty dollars each for each year, and the sum of four hundred and twenty dollars each for each year is hereby appropriated for the payment thereof.

Time to take effect as to clerks, etc.

Sec. 14. That the salaries of the clerks and clerical assistants mentioned in the preceding sections, the watchmen and the capitol servants shall become effective immediately upon the first day of the month following the approval of this act.

Manner of paying.

Sec. 15. That the salaries provided for in this act shall be paid as now provided by law.

Sec. 16. That the appropriations herein named shall not be construed to be in addition to appropriations heretofore made.

Not in addition
to other ap-
propriations.

Approved February 22, 1907.

No. 69.)

AN ACT.

(S. 44.

To create a railroad commission to be known as the "Railroad Commission of Alabama," define its duties and powers and provide for its mode of procedure and prescribe penalties for violation of its orders.

Section 1. *Be it enacted by the Legislature of Alabama.* That a commission to be known as the Railroad Commission of Alabama, consisting of a president and two associates who shall be competent persons, and qualified electors of this State, is established; their terms of office shall be for four years; at the election to be held in the State on the first Tuesday after the first Monday in November, nineteen hundred and eight, and every four years thereafter, a president of said commission shall be elected, by the qualified electors of this State, and at the election to be held in the State on the first Tuesday after the first Monday in November, 1910, and every four years thereafter two associates, who with the president shall constitute said commission, shall be elected by the qualified electors of the State. The result of such election shall be ascertained, and declared by the same authority and in the same manner, as are the results of election for chief justice and associate justices of the supreme court; the persons elected to fill said offices shall enter upon the discharge of their respective duties on the first Monday in March after their election and shall continue in office until their successors are elected and qualified. If any vacancy should occur in either of said offices, caused by death, resignation,

Railroad
commission
established;
offices and
term of office.

Election of
officers.

Manner of de-
claring result.

Vacancy, how filled.

No two from same congressional district.

Failure to qualify.

or otherwise, the same shall be filled by appointment of the governor, the appointee holding for the balance of the unexpired term. Provided, that no two of said railroad commissioners shall be elected, or appointed, from the same congressional district. Provided, further, that the members of the railroad commission elected in November, 1904, and November, 1906, shall continue to hold said offices, and that the terms of office of said members shall be and remain as prescribed by the act approved October 1, 1903, under which they were elected; and provided further, that in the event any person elected to the office of railroad commission the election held in November, 1906, or any person thereafter elected to such office, shall fail or refuse from any cause to qualify for the office to which he was elected, the governor shall appoint to the office some person possessing the qualifications prescribed in this act, and shall discharge the duties of the office until the person elected qualifies; but if the person so failing or refusing to qualify shall be or become ineligible or disqualified from holding the office and shall fail or refuse to qualify such failure or refusal shall be held to create a vacancy in the office, which vacancy shall be filled by appointment by the governor, the appointee to hold for the term for which the person so failing or refusing to qualify was elected.

Name.

Oath of office.

Seal.

Sec. 2. The commission shall be known as the "Railroad Commission of Alabama" and the members thereof shall be State officers and before entering upon the discharge of their duties, they shall take the oath of office prescribed for other State officers. The commission shall have a seal with the words "Railroad Commission of Alabama," with such emblem as the commission may prescribe.

Persons ineligible.

Sec. 3. No person owning any stock in any railroad corporation, or in the employment of any railroad corporation or of any person, firm, company or association, owning or operating a

railroad in this State shall be eligible to the office of railroad commissioner.

Sec. 4. Such commissioners may be impeached and removed from office by the supreme court for the same causes and in the same manner as other State officers; and any commissioner who shall accept any gift, gratuity, emolument, or employment, from any person, firm or corporation, company or association, owning or operating a railroad in whole or in part in this State during his continuance in office, except a permit for himself, or any employee of the commission, to pass over the railroad of such person, corporation, company or association, on official business, shall forfeit his office and may be impeached and removed from office therefor, or for any other cause of impeachment.

Sec. 5. The president of such commission shall receive a salary of thirty-five hundred dollars per annum, and the associate commissioners shall each receive a salary of three thousand dollars per annum and they may employ a clerk at a salary not exceeding twenty-four hundred dollars per annum and a stenographer at a salary not exceeding twelve hundred dollars per annum, and may employ such experts as may be necessary to perform any service it may require of them; provided, that the amount expended for such experts shall not exceed twenty-five hundred dollars in any one year; such salaries to be paid as the salaries of other State officers are paid. All money paid out under the provisions of this section, including such sum as may be necessary to procure office furniture and stationery, and to pay other office expenses shall be paid on warrants drawn by the auditor on the treasurer; but such office expenses shall not exceed five hundred dollars per annum.

Sec. 6. Such commissioners shall have an office at the capitol, and there meet on the first Monday in every month, and shall remain in session until all business before them is disposed of; and they shall hold other sessions at such

Impeachment
of.

Forfeiture of
office; when.

Salary of
Commissioners.

Salary of
clerical assistants.

May employ
experts.

Amount allowed for
same.

How paid.

Have office
at Capitol and
time of meeting.

times and places as may be necessary for the proper discharge of their duty, or as the convenience of parties in the judgment of the commission may require; and they shall keep a record of all their proceedings which shall be open at all times to the inspection of the public.

Proceedings of. Sec. 7. The commission shall have power to adopt and publish rules to govern its proceedings, and to regulate the mode and manner of all investigations, and hearings before it, provided all hearings shall be open to the public.

Report to Governor. Sec. 8. On or before the 10th of October, of each year the railroad commission, through the president thereof, shall make to the governor, for transmissison to the legislature, a report of their acts and doings for the year ending on the thirtieth day of June, next proceeding, setting forth such facts as will disclose the actual workings of the transportation system of this State, and making such suggestion, as to them may seem appropriate, and for the best interests of the State. Such reports may be made public immediately upon the filing of the governor.

Must not perform service for common carrier. Sec. 9. No railroad commissioner or clerk of the commission, shall during his continuance in office, personally, or through any partner, or agent render any professional service, or perform any business contracts for, or with any corporation, firm, company or association, or person owning or operating a railroad in this State, except contracts made in the capacity of such corporation, firm, company or association, or person as common carriers.

Meaning of term "Transportation Company." Sec 10 The term "transportation company" as used herein shall mean and embrace all corporations, individuals, associations of individuals their lessees, trustees, or receivers, that now or may hereafter own, operate, manage or control as common carriers any railroad, or part of a railroad in this State; or any cars, or other equipment used thereon, or bridges, terminals, or side tracks used in connection therewith, whether owned by such railroad, or otherwise.

The term "transportation company" as used herein shall also mean, and embrace express companies, car companies and sleeping car companies, over all which the commission shall have the power of supervision and control.

Sec. 11. The provisions of this act shall apply to the transportation of passengers and property between points within this State, and to the receiving, switching, delivering, storing and hauling of such property and to all charges connected therewith, and shall apply to all railroad corporations, express companies, car companies, sleeping car companies, freight and freight line companies, and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers upon or over any line of railroad, in whole or in part, within this State, or partly by rail, and partly by water; but nothing in this act shall be construed as a regulation of or interference with interstate commerce.

Sec. 12 This act shall not apply to street and electric railroads engaged solely in the transportation of passengers within the limits of any one city, nor to logging or private railroads not doing business as common carriers.

Sec. 13 Every transportation company is hereby required to furnish reasonably adequate service, and facilities, and the charges made for any service rendered, or to be rendered in the transportation of passengers, or property, or for any service in connection therewith, or for the receiving, switching, delivering, storing or handling of such property shall be reasonable and just, and to that end the Railroad Commission of Alabama shall have the power, and be charged with the duty of supervising, regulating and controlling all transportation companies doing business in this State, in all matters relating to the performance of their public duties, and their charges therefor, and of correcting abuses therein by such companies, and the commissioners shall from time to time prescribe and

What provisions of act apply to

When does not apply to street railroads, etc.

Adequate service and facilities required.

Power of railroad commission as to.

Rate fixed by statute, commission can't increase.

Unlawful rates.

Power of commission to regulate rates, correct abuses and locate depots.

Power of commission to inquire into management of transportation companies.

enforce against said transportation companies, in the manner hereinafter authorized, such rates, charges, classifications of freight, storage, demurrage, and car service charges, rules and regulations, and shall require them to establish and maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements the commission may, from time to time, alter or amend. Provided, however, that where the rates or charges for the transportation of any articles, or property or the classification of freight, have been fixed or prescribed by statute, the commission shall not have the power to increase such rates or charges, or to change such classification in such manner as to increase such rates or charges. All rates, charges, classifications, rules and regulations adopted, or acted upon by any transportation company inconsistent with those prescribed by the commission acting within the scope of its authority, or inconsistent with those prescribed by any statute, shall be unlawful and void.

Sec. 14. The railroad commission shall have the power and authority subject at all times to the control of the legislature, of regulating railroad freight and passenger tariffs, the locating and building of passenger and freight depots, correction of abuses, preventing unjust discrimination and extortion, and requiring reasonable and just rates of freight and passenger tariffs.

Sec. 15 The commission shall have the authority to inquire into the management of the business of all transportation companies, and shall keep itself informed as to the condition, manner and method, in which the same are conducted with reference to the security and accommodation of the public, and their compliance with their charters and the laws of this State. They shall have the right and power to obtain from any such company full and complete information necessary to enable the commission to perform

its duties and carry out the objects for which it was created. And the commissioners in the performance of their duties shall have the right to pass free of charge on all the railroads of the State, and to take with them free of charge any person in their official employment. And the commission shall have authority and is hereby required to enforce and require compliance with all the provisions of all laws now in force or hereafter enacted regulating railroads and other transportation companies or prescribing the duties thereof.

Pass free of charge in performance of duty.

Sec. 16. The railroad commission is hereby authorized to change any classification of railroads which has been, or may hereafter be, established by statute, from time to time as changed conditions may in its judgment, render it expedient so to do, by taking a railroad from one class and placing it in another, and to assign to any class it may determine proper any new railroad that may hereafter be constructed or operated as a common carrier, in whole or in part in this State. And said commission is further authorized and empowered to change any classification of articles which has been or may hereafter be established by statute when in its judgment it is reasonable and just so to do; provided, however, that such change shall not increase any rate prescribed or fixed by statute for the transportation of such articles or classes of articles.

Authorized to change classification of articles, cation of railroads.

Can change classification of articles, except those fixed by statute.

Sec. 17. Nothing in this act shall be so construed as to authorize or empower the railroad commission to increase any rate or rates which have been or shall be established by statute for the transportation of freight or passengers, and said commission shall not have power to increase such rate or rates.

No power to increase rates fixed by statute

Sec. 18. In all cases in which the rate or rates for the transportation of freight or passengers has been or shall be established by statute, the railroad commission is hereby charged with the enforcement of such rates, and shall use all the powers granted to it by law to prevent and

Rates fixed by statute, commission empowered to enforce.

punish any violation of the statutes establishing such rates

Blanks to be prepared and furnished.

Transportation companies required to fill out.

Power to examine books and papers and employees of transportation company.

Transportation company required to make annually returns of its business.

Penalty for failure.

Sec. 19. The commission shall cause to be prepared suitable blanks for the purposes designated in this act, and shall when necessary furnish such blanks to each transportation company. Any such transportation company receiving from the commission any such blanks shall cause the same to be properly filled out, so as to answer fully and correctly any question therein propounded, and in case it fails to answer any question, it shall state in said blank a good and sufficient reason for such failure, and said answers shall be verified under oath, by the proper officer of said transportation company, and returned to the commission at its office within the time fixed by the commission.

Sec. 20. The commission or any commissioner, or any person, or persons employed by the commission for that purpose shall upon demand have the right to inspect the books and papers of any transportation company, and to examine under oath any officer, agent or employee of such transportation company in relation to its business and affairs; provided, that any person other than one of the commissioners who shall make such demand shall produce his authority to make such inspection under the hand of the commission, or of the secretary, and under the seal of said commission

Sec. 20½. Every transportation company doing business in this State must on or before the first day of September of each year, make to the commission in duplicate in the manner prescribed, and upon blanks to be furnished by said commission, annual returns of the business of such transportation company, up to the close of its business on the thirtieth day of June, next preceding, and any such transportation company failing to make such returns shall forfeit to the State fifty dollars for each day of such failure.

Sec. 21. The commission may require by order or subpoena, to be served on any transportation

company in the same manner that a summons is served in a civil action in the circuit court the production within this State at such time and place as it may designate, of any books, papers, or accounts kept by such transportation company in any office, or place without or within the State of Alabama, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction. Any transportation company failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail, or refuse, forfeit and pay into the State treasury a sum of not less than one hundred dollars, nor more than one thousand dollars.

Transportation company required to produce books, papers, etc., when required.

Penalty.

Sec. 22. Every person, corporation, company or association operating a railroad shall give notice to the commission of every accident happening on any portion of its line in this State, which is attended with death or maiming or other serious injury to the person of any one, within five days thereafter, giving facts and circumstances of such accident, which any one or more of the commissioners may investigate, and the result of such injury, with such details as they may deem necessary, shall be entered upon the record of the proceedings of the commission.

Transportation company required to report accidents.

Sec. 23. Upon complaint of any person, firm, corporation or association, or of any mercantile, agricultural, or manufacturing society, or of any body politic, or municipal organization, that any of the rates, fares, charges or classifications, or any joint rate or rates are in any respect unreasonable, or unjustly discriminatory, or that any regulation or practice whatsoever, affecting the transportation of persons or property, or any service in connection therewith are in any respect unreasonable, or unjustly discriminatory, or that any regulation or practice whatsoever affecting the transportation of persons or property, or any service in connection therewith, are in any respect unreasonable or unjustly discrimi-

Proceedings when complaint is made as to unreasonable rates, etc.

Notice of time
and place to
hear and deter-
mine com-
plaints.

Power of com-
mission to fix
rates, etc.

May order sep-
arate hearings.

May investi-
gate unreason-
able rates, etc.

natory, or that any service is inadequate, the commission may notify the transportation company complained of that complaint has been made, and ten days after such notice has been given the commission may proceed to investigate the same as hereinafter provided. Before proceeding to make such investigation, the commission shall give the transportation company and the complainant ten days notice of the time and place when and where such matters will be considered and determined, and said parties shall be entitled to be heard, through themselves or their counsel, and shall have process to enforce the attendance of witnesses. If upon such investigation the rate or rates, fares, charges or classification, or any joint rate or rates, or any regulation, practice or service complained of shall be found unreasonable, or unjustly discriminatory, or the service shall be found to be inadequate, the commission shall have power to fix and order substituted therefor, such rate or rates, fares, charges or classifications as it shall have determined to be just and reasonable and which shall be charged, imposed and followed in the future, and shall also have power to make such orders respecting such regulation, practice or service as it shall determine to be reasonable, and which shall be observed and followed in the future.

Sec. 24. The commission may, when complaint is made of more than one rate or charge order separate hearings thereon, and may consider and determine the several matters complained of separately and at such time as it may prescribe. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

Sec. 25. Whenever the commission may believe that any rate or charge may be unreasonable, or unjustly discriminatory, or that any service is inadequate, and that an investigation relating thereto should be made, it may on its own motion investigate the same. If after making such investigation the commission becomes satisfied

that sufficient grounds exist to warrant a hearing being ordered to determine whether the rate or charge so investigated is unreasonable or unjustly discriminatory, or whether the service investigated is inadequate, it shall furnish the transportation company or companies interested a statement setting forth the rate, charge or service investigated, which said statement shall be accompanied by a notice fixing the time and place for hearing on such rate, charge or service, as the case may be. Notice may likewise be given to other parties in interest, and shall be given at least ten days in advance of any hearing, and thereafter proceedings shall be had and conducted in reference to the matter investigated pursuant to the provisions of section 23 of this act. This shall be construed to permit any transportation company to make a complaint with like effect as though made by any person, firm, corporation or association, mercantile, agricultural or manufacturing society, body politic, or municipal organization.

How notice of hearing given, etc., to whom.

Sec. 26. Each of the commissioners for the purposes mentioned in this act, and in all hearings before it shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses, and the production of papers, way bills, books, accounts, documents and stationery. In case of failure or refusal on the part of any person or persons, to comply with any order of the commission or any commissioner, or any subpoena, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of any circuit court or city court in this State, or any judge thereof on application of a commissioner, to issue an attachment for such person or persons, and compel them to comply with said order, or to attend before the commission and produce said documents, etc., and give his testimony upon such matters as may be lawfully required, and said court or judge shall have power to punish for contempt as in

Commissioners have power to administer oaths.

Failure to comply with order of commission.

cases of disobedience of a like subpoena issued from such court, or a refusal to testify therein.

No person excused from testifying before commission.

Sec. 26½. No person shall be excused from attending and testifying or from producing books, papers, tariffs, contracts, agreements and other documents before the railroad commission, or in obedience to the subpoena of the commission, whether such subpoena be signed or issued by one or more of the members of the commission, in any investigation held by or before the commission or in any cause or proceeding in any court by or against the railroad commission provided for in this act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty of forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing, concerning which he may be required to testify or produce evidence, documentary or otherwise, before said commission, or in obedience to its subpoena or in any such cause or proceeding. Provided, that no person so testifying shall be exempted from prosecution and punishment for perjury committed in so testifying.

Witnesses entitled to fees and mileage, how paid.

Sec. 27. Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers, sworn to by such witness, and approved by the president of the commission; provided, that no witness subpoenaed at the instance of parties other than commissioners, shall be entitled to compensation for the State for attendance, or travel, unless the commission shall certify that his testimony was material to the matter investigated, and provided further, that witnesses summoned on behalf of the transportation company shall be paid by said company.

Sec. 28. The commission may in any investigation cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for depositions in civil actions in circuit courts, said deposition to be taken on a commission to be issued by the clerk of the railroad commission made returnable to the Railroad Commission of Alabama.

May require depositions of witnesses.

Sec. 29. A full and complete record of all proceedings before the commission on any investigation had and all testimony shall be taken down by the stenographer appointed by the commission. Whenever any complaint is served upon the commission under provisions of section 36 of this act, the commission shall before the said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation, if any previous investigation has been had and testimony taken upon the subject or any of the matters complained of and plaintiff was a party to such investigation, to be filed with the clerk of the court where the action is pending. A transcribed copy of the testimony and proceedings or any specific part thereof, on any such investigation taken by the stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript in long hand of all the testimony on the investigation, or of any particular witness, or of any specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such an investigation so purporting to be taken and transcribed, shall be received in evidence when offered by either party. A copy of such transcript shall be furnished on demand, free of cost to any party to such investigation. In the trial of said cause either party may offer any additional evidence it may see fit.

Record of proceedings to be kept.

Certified copy of testimony and proceedings received in evidence.

Sec. 30. Whenever upon an investigation made under the provisions of this act, the commission shall find any existing rate or rates or any regulation, or practice whatsoever, affecting

When rates found to be unreasonable commission may fix reasonable rate.

Certified copy
of order; to
whom deliv-
ered.

Transporta-
tion companies
to which or-
der applies
must make
change.

Commission
has power to
rescind, alter
or amend
orders.

Failure of com-
panies to agree
on joint rate.

the transportation of persons or property, or any service in connection therewith unreasonable or unjustly discriminatory, or any service inadequate, it shall so determine and by order fix a reasonable rate, fare, charge, classification or joint rate to be imposed, observed and followed in the future in lieu of that found to be unreasonable, or unjustly discriminatory, or inadequate as the case may be, and it shall cause a certified copy of such order to be delivered to any officer, superintendent or station agent of the transportation company affected thereby, which order shall of its own force take effect and become operative twenty days after the service thereof. All transportation companies to which the order applies shall make such changes in their schedule on file as may be necessary to make the same conform to said order where such order relates to rates, fares, charges or classification, and no charge shall thereafter be made by any transportation company in any such rates, fares or charges or classification, or joint rate or rates, or in the service or practice so ordered, without the approval of the commission. Certified copies of all other orders of the commission shall in like manner be delivered to the transportation company affected thereby, and the same shall take effect within such time thereafter as the commission shall prescribe.

Sec. 31 The commission may at any time upon notice to the transportation company, and after an opportunity to be heard, as provided in section 23 of this act, rescind, alter or amend any order made by the commission fixing any rate or rates, fares, charges or classification or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

Sec. 32. Whenever the rate or charge ordered substituted by the commission shall be a joint rate, or charge and the transportation company or companies, shall fail to agree upon the apportionment thereof within twenty days after the ser-

vice of such order the commission may after a hearing, issue a supplemental order declaring the apportionment of such joint rate or charge, and the same shall take effect of its own force as part of the original order.

Commission may issue order apportioning joint rates.

Sec. 33. Whenever any transportation company shall refuse or neglect to establish a joint rate or rates for the transportation of persons or property, the commission may upon notice to such transportation company or companies, and after an opportunity to be heard, as provided in section 23 of this act, fix and establish such joint rate or rates, and if the transportation companies, parties thereto, shall fail to agree upon the apportionment thereof within twenty days after the service of such order the commission may upon like hearing, issue a supplemental order—declaring the apportionment of such joint rate or rates and the same shall take effect of its own force as part of the original order.

Failure of transportation company to establish joint rate.

Power of commission as to

Sec. 34. In cases relating to the fixing, regulating or prescribing of joint rates of two or more transportation companies, such transportation companies may be joined in one proceeding before the commission.

Transportation companies joined in one proceeding.

Sec. 35. All rates, fares, charges, classifications and joint rates and orders establishing rules, regulations, practices or services, fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose pursuant to the provisions of section 36 of this act, or until changed by the commission.

Rates, fares, etc., fixed by commission to be in force.

Sec. 36. Any transportation company or company, corporation, or individual owning or operating as a common carrier any railroad in whole or in part in this State, desiring to contest the validity or fairness or reasonableness of any rate or rates, or of any order of the commission fixing or relating to any rate or rates, of compensation for the transportation, originating and terminating within the State, of articles or passengers, or any other rates or charges, or any order relating

Mode of contesting validity or fairness of rates fixed by commission.

Where suit to
be brought.

Copy of com-
plaint to be
served on rail-
road commis-
sion.

thereto, or any order fixing any regulations, practices or services or acts to be observed or performed by such companies, corporations or persons may institute an action to contest such rate or rates or such order or orders. Such action if instituted in a State court, shall be commenced by filing a complaint or bill or petition in the circuit or chancery court of Montgomery county, or other court in said county having concurrent jurisdiction with said circuit or chancery court, making the Railroad Commission of Alabama defendant therein, and alleging wherein the rate or rates or order or orders complained of are invalid or unfair or unreasonable and in said petition, bill or complaint the validity, fairness or reasonableness of the respective rates or any number of articles or classes of articles, or any number of rates for the transportation of passengers, or any number of orders of said commission fixing any such regulations, practices, or services, may be contested; provided, however, that an order fixing such regulations, practices or services and an order fixing rates for such transportation of freight or articles shall not be contested in the same proceeding; nor shall an order fixing rates for the transportation of passengers be contested in a proceeding to contest either of the aforesaid orders. A copy of said complaint, bill or petition shall be served on the railroad commission, or any member thereof, with the summons, and the defendant shall plead, answer or demur to the complaint, bill or petition within thirty days after service thereof. Said cause shall have precedence over any other cause pending in said court, except criminal actions, and shall be tried under the same rules and regulations as are or may be prescribed by law for the trial of other civil or chancery suits in said court, except as may otherwise be provided in this act, and except that the rates or orders complained of shall be prima facie presumed to be valid, fair and reasonable. If the court shall decide that the rates or orders complained of, or any of them,

are invalid or unfair or unreasonable, it shall render a judgment or decree annulling or suspending the same. The rate or rates or order or orders complained of shall remain in force and be observed as the established rates or orders for the period of thirty days after the rendition of said judgment or decree, which period shall be allowed for an appeal from said judgment; provided, however, that if, before the expiration of said thirty days sue out an appeal to the supreme court from said judgment or decree shall be sued out by either party said rates or orders shall remain in force and be observed until the same shall be annulled by the supreme court, or until the same shall be suspended in the manner provided in section 37 of this act.

Sec. 37. Either party may appeal to the supreme court of Alabama from the judgment or decree of the lower court, the appeal to be taken within thirty days from the rendition of said judgment or decree, under the same rules and regulations as are or may be provided by law for appeals from said court, except that the railroad commission, if it shall appeal from a judgment or decree annulling or suspending any of said rates or orders, shall not be required to give any security for the costs of said appeal or any bond or undertaking to supersede said judgment or decree. Said appeal of the railroad commission without such bond, shall have the effect of superseding said judgment or decree and the rate or rates or order or orders complained of or annulled or suspended by said judgment or decree shall be and remain the established rates or orders, and shall be so regarded and observed, until said judgment or decree shall be affirmed and said rates or orders annulled or suspended by the supreme court; provided, however, that if the appellee shall desire to have the rate or rates for the transportation of freight complained of or order of the railroad commission fixing such rate or rates for the transportation of articles or classes of articles suspended pending said appeal,

Parties may
appeal to su-
preme court.

Rates suspend-
ed during ap-
peal by appel-
lee.

Bond required. said appellee shall file with said railroad commission a good and sufficient bond with two sureties, payable to the State of Alabama, in the sum of twenty-five thousand dollars, where the railroad of appellee within the State is less than fifty miles in length, and in the sum of fifty thousand dollars where said railroad is fifty miles or more in length, or in such sum as the railroad commission may fix where appellee is a transportation company, other than a railroad company conditioned to make and file with said railroad commission a sworn statement every three months pending said appeal, showing the articles of freight subject to the rates complained of, or annulled or suspended carried over its road during the preceding ninety days, together with the names of the shippers and consignee, the dates of shipment, the points of consignment and destination, and the freights charged and received thereon; and conditioned to file an additional bond of like amount and condition with said railroad commission whenever the difference between aggregate freights charged and received for the transportation of said articles and the aggregate freight which it would have been entitled to charge and receive for such transportation if calculated or based upon the rates complained of or annulled, equals or exceeds the penalty or amount of said bond; and conditioned further to pay to the State of Alabama, in the event the said judgment or decree annulling or suspending said rates shall be reversed by the supreme court or be reversed as to any of the rates annulled or suspended by the lower court, the difference between the aggregate freight charged and received for the transportation of those articles the rates for the transportation of which shall be, by such judgment of reversal by the supreme court, affirmed or sustained by said court, and the aggregate freights which the appellee would have been entitled to charge and receive for such transportation if calculated according to or based upon the rate or rates complained of.

Sworn statement required.

Additional bond.

Said bond shall be collectible by suit or otherwise only by the State of Alabama by direction of the governor. From the time the bond first mentioned shall be filed as aforesaid the judgment appealed from shall be operative and the rate or rates annulled by said judgment shall be suspended, Provided, however, that a failure to file with said railroad commission any of the sworn statements in this section provided for within twenty days after the same shall have been demanded in writing by said railroad commission, or a failure to give an additional bond in this section provided for within fifteen days after the same shall have been demanded in writing by said commission, shall eo instanti again suspend said judgment or decree appealed from and the rate or rates annulled or suspended by said judgment or decree shall be restored and enforced until the same shall be annulled by the supreme court. The notice or demands for said statements or bonds above provided for may be given by registered letter addressed to any superintendent or managing agent or officer of appellee in this State or without the State. Said cause and any appeal provided for in this act, shall have precedence over any other cause in the supreme court, and shall be advanced on the docket upon application of either party, so that the same may be given a speedy hearing. Provided, further, that if the appeal be from a judgment or decree annulling or suspending any rate or rates, established for the transportation of passengers, or from a judgment or decree annulling or suspending any order or orders establishing or requiring any rules, regulations, practice or service to be observed by appellee and if appellee shall desire to have said rates or orders or any of them suspended, pending said appeal, it shall file with said railroad commission a good and sufficient bond with two sureties in such sum as the railroad commission shall fix, payable to the State of Alabama, and conditioned to pay all such damages as any person, firm, company or

Effect of failure to file sworn statements.

Manner of giving notice for statements of bonds.

Bond required for suspension of rates during appeal.

Conditions of bond.

Parties may
sue and recover
on said bond
in case of loss,
injury or
damage by
such suspension.

In case of
judgment by
trial court in
favor of commission.

Bond required
when rate suspended.

corporation may sustain by reason of the suspension of said rates, or orders, in the event said judgment or decree of the lower court shall be reversed in whole or in part or said rates or orders, or any of them shall be sustained by the supreme court, from the time said bond is given said rates or orders complained of and annulled shall be suspended. Any person, firm, company or corporation who shall sustain any loss, injury or damage by reason of the suspension of said rates or orders or any of them as aforesaid, may sue on said bond, in the name of the State of Alabama, for his use and recover such damages as he may have so sustained, including any overcharge or excess rate or charge paid by him, on account of the suspension of said rate, charge or order. A copy of said bond duly certified by the chief clerk or secretary, or any member of said railroad commission under the seal of said commission shall be received in evidence without further proof. If in any proceeding to contest the validity, fairness or reasonableness of any rate or rates for the transportation of freight or passengers established by the railroad commission or any such rates established by statute, or any such rates which have been by statute made the maximum rates, or any order relating to such rates, or any order or orders establishing any rule, regulation, practice, service, or act to be observed or performed by transportation companies subject to the provisions of this act, the trial court shall decide that said rate or rates or order or orders complained of or any of them are valid, or fair and reasonable and render a judgment in favor of the railroad commission and against the plaintiff or petitioner and if the plaintiff or petitioner shall appeal from said judgment it may after said appeal have said rate or rates or order or orders complained of or any of them, suspended pending said appeal by filing a bond with two good and sufficient sureties, with the railroad commission which bond if the appeal be from a judgment sustaining any

rate or rates, for the transportation of freight, shall be in the same amount and with like conditions, and payable as the bond provided for in this section, for the suspension of such rates upon an appeal by the railroad commission from a judgment annulling such rates, except that said bond shall be payable in the event the judgment of the trial court shall be affirmed in whole or in part, or in the event said appeal, shall not be prosecuted to effect. And the failure to file the statements or any of them, or to give the additional bonds or any of them provided for in such case in this section, when and as required therein shall eo instanti revive, said rate or rates and the same shall again be in force and observed and all the penalties in this act, or by any statute prescribed for a failure to put in force and observe said rates shall attach. And if the appeal be from a judgment sustaining any rate or rates for the transportation of passengers, or any order or orders establishing any rule, regulation, practice, service or act to be observed or performed by the plaintiff transportation company, said bond shall be in such sum as the railroad commission may fix and with like conditions and payable as the respective bonds provided for, in this section, for the suspension of such rates or orders upon an appeal by the railroad commission from a judgment annulling such rates or orders, except that they shall be payable in the event the judgment of the trial court shall be affirmed, in whole or in part, or said appeal shall not be prosecuted to effect. From the time said bond shall be given as aforesaid the rate or rates or order or orders complained of and sustained shall be suspended. Any person, firm, company or corporation, who shall sustain any loss, injury or damage, by reason of the suspension of said rates or orders or any of them, as aforesaid, may sue on said bond in the name of the State of Alabama, for his use and recover such damages as he may have so sustained, including any overcharge, or excess rate or charge

Amount and
condition of
bond.

Parties may
recover.

paid by him, on account of the suspension of said rates, charges or orders. A copy of said bond duly certified by the secretary or chief clerk or any member of said railroad commission, under the seal of said commission shall be received in evidence without further proof. Provided, however, that if any rate or rates, or order or orders, shall under the provisions of this section be suspended, by the giving of any of the bonds provided for herein, said suspension shall be operative as to, and shall effect only the railroad or other transportation company, or common carrier complaining and giving such bond.

No preliminary injunction granted except after notice to commission.

Sec. 38. No preliminary injunction or interlocutory order or decree or process suspending or restraining or affecting the enforcement of any rate or rates, or order of the railroad commission fixing any rate or rates, of compensation for the transportation, originating and terminating within the State, of any articles or of passengers, or any charges for any service, or any order establishing any regulations, rules, practices or services to be observed by any railroad or transportation company or person, company or corporation operating any railroad as a common carrier or engaged in the business of transporting freight or passengers as common carriers, shall be granted by any judge or court except upon hearing after at least five days notice to the Railroad Commission of Alabama, and no judge or court shall grant any preliminary injunction or interlocutory order or decree or process suspending or restraining any rate or rates or order of the railroad commission fixing any rate or rates for the transportation of freight or passengers or order establishing any rules, regulations, practices, or services to be observed by such person, company or corporation, or the enforcement of any such rates or orders without requiring as a condition precedent to the issue of such injunction, decree, order or process, that the company, corporation or person seeking the same shall, if the injunction or restraining order applied for is for the

purpose of restraining the enforcement of any rate established for the transportation of articles of freight, execute and file with said railroad commission a good and sufficient bond with two sureties, payable to the State of Alabama, in the sum of twenty-five thousand dollars when its railroad within the State is less than fifty miles in length and in the sum of fifty thousand dollars when the railroad within the State is fifty miles or more in length, or in such sum as the judge or court may fix where the injunction is sought by a transportation company other than a railroad company, conditioned to make and file with said railroad commission a sworn statement every three months during the continuance of said injunction or restraining order, showing the articles of freight subject to the rates complained of or suspended or enjoined carried over its road during the preceding ninety days together with the names of the shippers and consignees, the dates of shipment, the points of consignment and destination and the freights charged and received thereon, and conditioned to file an additional bond, of the amount and conditions with said railroad commission whenever the difference between the aggregate freight charged and received for the transportation of said articles and the aggregate freights which it would have been entitled to charge and receive for such transportation if calculated according to or based upon the rate or rates complained of or suspended or enjoined, equals or exceeds the amount or penalty of said bond; and conditioned further to pay to the State of Alabama, in the event said injunction or restraining order shall for any reason be dissolved, or vacated or cease to be operative in whole or in part, the difference between the aggregate freights charged and received for the transportation of those articles shipped during the continuance of said injunction, the injunction or suspending of the rates on which has been dissolved or vacated or has ceased to be operative and the aggregate freights which it would

Bond required.

Amount of same.

Sworn statement required showing articles of freight subject to such rates.

As to additional bond.

Bond collectible by suit.

Effect of failure to file bond and sworn statements.

Notices may be given by registered letter.

When bond to be filed and conditions of same.

have been entitled to charge and receive for such transportation if calculated according to or based upon the rates enjoined or suspended. Said bond shall be collectible, by suit or otherwise, only by the State of Alabama by the direction of the governor. A failure to file with said railroad commission and of the sworn statements provided for in this section within twenty days after the same shall have been demanded in writing by said railroad commission, or a failure to give any additional bond in this section provided within fifteen days after the same shall have been demanded in writing by said commission shall ipso facto immediately vacate and render null and void such injunction or restraining order or decree without any further order of the court or judge granting the same, and the rates which, or the enforcement of which, were enjoined or restrained or suspended shall at once be revived and in force. The notices or demands above provided for in this section may be given by registered letter addressed to any superintendent or managing agent or officer of the company, corporation or person at whose instance said injunction or restraining order was granted, in this State or without the State. If the injunction or restraining order applied for is for the purpose of restraining or suspending the enforcement of any order of said railroad commission establishing any rate or rates for the transportation of passengers, or the enforcement of any order establishing any rules, regulations, practices or services or acts to be observed or performed by such person, company or corporation, the bond that shall be required to be given as a condition precedent to the issue of such restraining order or injunction shall be filed with the clerk of said court, be payable to the State of Alabama in such sum as the court or judge granting said order shall fix, and conditioned to pay all such damages as any person, firm, company or corporation shall sustain by reason of the enjoining or restraining of the enforcement of such order or or-

ders, in the event said injunction shall be dissolved or vacated or for any reason cease to be operative. Any person, firm or company or corporation, who shall sustain any loss, injury or damage by reason of such injunction or restraining order, may sue on said bond in the name of the State of Alabama for his use and recover such damages as he may have sustained, including any overcharge or excess rate or charge paid by him on account of the suspension of said rates, charges or orders. Immediately after the dissolution or vacating of said injunction or restraining order or upon the same ceasing for any reason to be operative and in force, said bond shall be delivered to the railroad commission, and a copy of said bond, duly certified by the clerk of the court, while it is in his custody, or by the secretary or chief clerk of the Railroad Commission of Alabama or any member of said commission when in its custody, under the seal of said commission shall be received in evidence without further proof.

Parties sustaining loss may sue and recover.

After dissolution of injunction bond to be delivered to commission.

Certified copy of same received in evidence.

Sec. 39. Any rate or rates affecting the transportation of persons or property or any service, or practice whatsoever in connection therewith, fixed by the commission, when approved or confirmed by the judgment of the circuit court or city court, or chancery court, shall be and remain the established rate, service, or practice, and shall be so observed and regarded by the appealing transportation company until the same shall be annulled or suspended by the final judgment of the supreme court, if there shall be an appeal thereto, or suspended in the manner in this act provided, or if no appeal, until changed by the commission.

Rates fixed by commission and approved by court established rates until annulled or suspended by supreme court.

Sec. 40. In all suits instituted by transportation companies to contest the validity or fairness and reasonableness of any rate or order of the railroad commission, if the trial court shall find that the rate or order complained of is valid or fair and reasonable, its judgment or decree shall so declare and shall direct and order the

When rate declared reasonable by trial and supreme court.

plaintiff to put said rate or order in force and observe the same; and if the supreme court shall upon appeal affirm the judgment or decree appealed from or shall by its opinion sustain said rate or order, its judgment shall likewise contain such order.

Duty of commission when suit not brought and transportation company fails to put order of commission in force.

Sec. 41. If no suit shall be instituted, as provided in section 36 of this act, to contest the validity or fairness or reasonableness of any rate or charge or order established by the railroad commission or any rate established by statute, or any rate made the maximum rate by statute, within twenty days after the date fixed by the commission for said rate or order to be and become effective or within twenty days after said rate established by or made the maximum rate by statute has become effective, and the transportation company affected by such rate or order, shall fail or refuse to put said rate or order in force after the expiration of said twenty days, it shall be the duty of the railroad commission, through its president, to certify to the attorney general the fact of such failure or refusal, together with a certified copy of the order made by the commission in such matter where upon it shall be the duty of the attorney general or some attorney at law by the governor appointed for the purpose, to immediately apply to any court of competent jurisdiction, or judge thereof, in any county or any circuit in which such transportation company may have an agent, for a peremptory writ of mandamus or a mandatory injunction to compel such transportation company to put said rate or order in force and obey and observe the same; and if the court or judge shall find that the rate or order of the commission was valid or reasonable and just, such peremptory mandamus or mandatory injunction shall be granted. Either party shall have the right to appeal to the supreme court from the judgment of the trial court in such proceeding, said appeal to be taken within thirty days. If the transportation company desires to take an appeal from

Either party may appeal the supreme court.

the judgment or order of the trial court granting said writ of mandamus or mandatory injunction it shall give a bond with two sureties, to be approved by the clerk of said court, which bond shall be in the same amount and with like conditions, and payable as, the respective bonds provided for in section 37, of this act and the failure of the transportation company to file the statements or any of them provided for in said section, as required therein or to give the additional bonds, or any of them, as required therein, shall immediately revive the judgment or order appealed from, and said judgment or order shall be at once enforced as other judgments or orders of like kind may be enforced, not withstanding said appeal. The governor shall have authority and power to employ or appoint special counsel to institute and prosecute, or assist the attorney general in instituting and prosecuting the proceedings provided for in this section.

Bond of transportation company.

Governor has power to employ special counsel.

Sec. 42. In the trial of any cause provided for or arising under this act, or any cause in which is involved the validity, fairness or reasonableness of any rate or charge or order of any kind made and established by the railroad commission, such rates or charges or orders shall be prima facie presumed to be valid, fair and reasonable until the contrary is shown; and the burden shall be on the party attacking said rates or orders to show that the same are invalid or unfair and unreasonable.

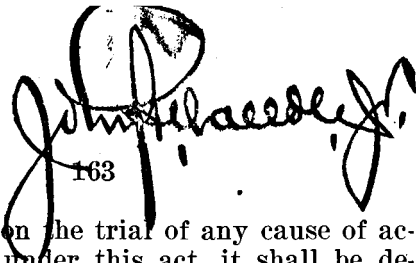
Rates presumed to be prima facie fair, burden of proof.

Sec. 43. If any foreign corporation or corporation deriving its existence solely from the laws of another State, government or country, owning, operating, leasing or managing, as a common carrier, any railroad in whole or in part in the State of Alabama, or any such foreign corporation engaged in any business in this State relating to or connected with the transportation of freight or passengers, over which business and corporation the Railroad Commission of Alabama has any supervision or control under the provisions of this act, shall without the consent of the adversary

License of transportation company revoked if suit instituted in any federal court without consent of adversary party.

Penalty for removing suit to federal court without consent.

party, institute in any federal court any suit, action or proceedings of any kind having for its object the annulment, suspension, injunction, or restraining of, or in any way affecting, any rate or charge, or any order establishing any rate or charge, made by the railroad commission or any rate or charge established by statute or any rate which has been made a maximum rate by statute, or any order of said commission or provision of law establishing any rules, regulations, practices or services, or relating thereto, or acts, or duties to be observed or performed by transportation companies, or the enforcement of such rates, charges or orders to have this act or any provision thereof declared invalid; or shall become a joint act or in such proceeding with any other person, company or corporation, or shall voluntarily became a party therein; or if any such foreign corporation shall without the consent of the adversary party thereto remove or cause to be removed to any federal court any action, suit or proceeding of any kind instituted against it in a State court by or in behalf of the Railroad Commission of Alabama, or the State of Alabama, to compel obedience of any order of said commission, or any rate or charge established by it, or any action, suit or proceeding of any kind instituted by said Railroad Commission of the State of Alabama, or by any person, firm, company or corporation to recover further breach of any bond or undertaking, given by such foreign corporation in pursuance of any of the provisions of this act, or to recover for any excess rate or charge made and received by it in violation of the provisions of this act, or to recover any penalty or forfeiture for which it is made liable under the provisions of this act, such acts, or either of them of said foreign corporation shall ipso facto forfeit its right or license to engage in or carry on the business of transportation, originating and terminating within this State, of property or persons and its license or right to engage in such business shall be ipso facto revoked.


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Sec. 44. If upon the trial of any cause of action originating under this act, it shall be determined by the court that the order of the commission was invalid or unreasonable or unjust and should not be performed, the costs of said court may in the discretion of the court be taxed against the State or the transportation company or companies involved in said suit. If on the hearing the court should find in favor of said railroad commission then the costs of said suit shall be paid by the transportation company or companies by or against which the proceedings were instituted. If costs are ordered taxed against or paid by the State, the same shall be paid upon the approval of the trial judge by a warrant drawn by the auditor upon the State treasurer.

Costs may be taxed against State; when.

Taxed against transportation companies.

How paid, when taxed against State.

Sec. 45. If any transportation company doing business in this State or its agent or employee is guilty of making or demanding or receiving any charge for the transportation of persons or property, or for any service pertaining to or connected therewith, in excess of that prescribed by the railroad commission as by this act authorized, and after due notice of such violation given to the president or managing officer thereof in this State, and if ample and full recompense for the wrong or injury thereby to any person, firm, company or corporation, shall not be made within sixty days from the time of such notice, such transportation company shall forfeit for each offense of not less than fifty dollars nor more than one thousand dollars, to be fixed by the court. An action for the recovery of said penalty shall be in any circuit court in any county in the State where such violation has occurred or wrong has been perpetrated, and it shall be in the name of the State of Alabama. The commissioners shall have the power to order the institution of such action through the attorney general. Or the solicitor of the circuit in which the wrong is perpetrated or such other attorney at law as the governor may appoint, on the complaint or petition or request of the person aggrieved.

Penalty for making or demanding over-charge.

Amount of forfeiture.

Where suit for recovery brought.

Commission has power to institute suit.

Effect of act.

Penalties, etc., incurred under this act cumulative.

Substantial compliance by commission sufficient.

Power of commission to regulate matters not specifically mentioned.

Commission to investigate all complaints for violation of rules, etc., of inter-state commerce commission.

Sec. 46. This act shall not have the effect to release or waive any right of action by the State or by any person, or any right, penalty or forfeiture, which may have arisen, or which may hereafter arise under any law of this State; and all penalties and forfeitures incurred under this act shall be cumulative and a suit for the recovery of one shall not be a bar to the recovery of any other penalty.

Sec. 47. A substantial compliance of the railroad commission with the requirements of this act shall be sufficient to give effect to all the rules, orders, acts and regulations of the commission. And they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

Sec. 48. Whenever, after hearing and investigation as provided by this act the commission shall find that any charge, regulation or practice affecting the transportation of passengers or property, or any service in connection therewith not herein before specifically designated is unreasonable, or unjustly discriminatory, it shall have the power to regulate the same as provided in sections 23 and 25 of this act.

Sec. 49. The commission shall have the power and it is hereby made its duty to investigate all complaints filed with them of the violation by the transportation companies doing business in this State, of the rules, orders, and regulations of the inter-state commerce commission, and when, in their opinion, the rates or charges of such transportation companies are excessive or discriminatory, or are levied in violation of the interstate commerce law the commission shall present the facts to the transportation company with a request to make such changes as the commission may advise, and if such changes are not made within a reasonable time the commission shall apply by petition to the interstate commerce commission for relief.

Sec. 50. The commission shall have the power, when deemed by it necessary to prevent injury to

business, or in the interest of the people of this State, in consequence of any interstate rate wars, or inequality of interstate rates, or in case of any other emergency, to be judged by the commission to temporarily alter, amend, or suspend except as otherwise provided by law any existing passenger rate, freight rates schedules, and orders on any railroad or part of railroad in this State, and such rates made by the commission shall apply on one or more of the railroads of this State, or any portion thereof, as may be directed by the commission and shall take effect at such time and remain in force for such length of time as may be prescribed by the commission.

Power of commission to alter inter-state rates.

When such rates apply etc., when to take effect.

Sec. 51. Whenever the railroad commission shall make an order, issue any subpoena, notice or writ, notice thereof may be served on the person, or corporation by delivering a copy of such order, subpoena, notice or writ, signed by or in the name of the president of the railroad commission to any such person, or to the president or other head of such corporation, or secretary, cashier, station agent, or any other agent of said corporation, which service may be executed by any member of the railroad commission, or the clerk thereof, or by any sheriff of the State, and a copy of such order, subpoena, notice or writ, with the service endorsed thereon, must be returned to the railroad commission and entered on record as a part of the proceedings and such endorsement shall be prima facie evidence that said order, subpoena, notice or writ has been duly served.

Mode of serving orders of commission.

On whom served.

Who may serve such orders, etc.

Sec. 52. It shall be the duty of the attorney general to represent the railroad commission in any and all legal proceedings instituted by or against it, and to institute any legal proceedings which said commission may request or deem necessary to enforce the provisions of this act or compel obedience to and observance of the same by any person, firm, company or corporation upon whom such obedience or observance is therein imposed. And the governor is hereby authorized

Duty of Attorney-General.

Governor may employ special counsel. and empowered to employ any special counsel to institute or defend such legal proceedings, or to assist the attorney general therein, and to contract with said special counsel concerning a reasonable compensation for his or their services, which compensation shall be paid out of the State treasury on a warrant drawn by the auditor on the State treasurer upon approval by the governor. No expenses incurred in such proceedings or in any investigation by the commission shall be deemed a part of the office expenses of the commission within the meaning of section 5 of this act.

Manner of paying same.

Expenses incurred not part of office expenses.

Invalidity of section, inoperative as to act as a whole. Sec. 53. If any section or subdivision or provision of this act shall, for any reason, be or be held by any court of competent jurisdiction and of final resort to be invalid, inoperative or void, the residue of the act shall not be thereby invalidated or affected.

Time of effect. Repeal. Sec. 54. This act shall go into effect from and after its passage, and all laws and parts of laws in conflict with the provisions of this act shall be, and the same are hereby repealed.

Approved Feb. 23, 1907.

No. 79.)

AN ACT.

(H. 18.)

To fix the time and place of holding the circuit court in the twelfth judicial circuit of the State of Alabama.

Pike. Section 1. *Be it enacted by the Legislature of the State of Alabama*, That the circuit court of the twelfth judicial circuit be held as follows: 1. In the county of Pike, at Troy, on the first Mondays in March and September of each year and may continue two weeks. 2. In the county of Coffee, at Elba, on the second Monday after first Monday in March and September of each year, and may continue two weeks. 3. In the county of Geneva, at Geneva, on the fourth Monday af-

Coffee.

Geneva.

ter the first Monday in March and September of each year, and may continue two weeks. 4. In the county of Houston, at Dothan, on the sixth Monday after the first Monday in March and September of each year, and may continue three weeks. 5. In the county of Henry, at Abbeville, on the ninth Monday after the first Monday in March and September of each year, and may continue two weeks. 6. In the county of Covington, at Andalusia, on the eleventh Monday after the first Monday in March and September of each year, and may continue three weeks.

Section 2. That all laws and parts of laws in conflict with this act be and the same are repealed.

Sec. 3. That this act shall go into effect immediately upon its passage and approval.

Approved February 21, 1907.

Effective on approval.

No. 95.)

AN ACT.

(H. 523.)

To amend section 2 of an act to establish a State Normal School for the education of white female teachers and students at Livingston, in Sumter county.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 2 of said act be amended so as to read as follows: That the board of directors of said college shall consist of six directors, together with the governor, State superintendent of education and the president of the school ex-off. The directors shall be appointed by the governor as hereinafter provided. It shall be the duty of the governor, upon the passage of this bill, to appoint six directors of said normal college; provided, that no two of said directors shall reside in the same county except in the county of Sumter there may be two of said directors. Two of said directors shall be appointed for the term of six years; two for the term of

Number of directors.

Appointed by Governor.

How appointed.

Terms of.	four years; two for the term of two years; and every two years thereafter it shall be the duty of the governor to appoint two directors whose term of office shall be for a period of six years. The members of said board of directors shall receive no compensation for their services except their actual expenses in going to and from their meetings, which said expenses, upon the certificate of the secretary of the board, approved by the president, shall be paid out of the fund annually appropriated and set apart for the support and maintenance of said college. The board of directors, as now organized shall cease to exist upon the appointment and organization of the new board as herein provided for.
Receive no compensation except actual expenses.	
Vacancy; how filled.	Sec. 2. That any vacancy in the board of directors, caused by death, resignation, or otherwise, shall be filled by appointment by the governor, the appointee holding for the unexpired term of his predecessor.
Times of meetings.	Sec. 3. That the board of directors shall meet at such times and places as it shall appoint.
President of board, elected; duties.	Sec. 4. That the board of directors shall choose one of their number as president of their board, who shall vote on any question, except in the case of a tie; and they shall elect a secretary and treasurer, and they shall take such bond from such treasurer as they shall deem sufficient and adequate to secure the faithful performance of his duties, said bond to be approved by the superintendent of education of Sumter county and the probate judge of said county, and a certified copy thereof filed in the office of the superintendent of education. The secretary and treasurer shall be chosen annually, and shall hold their offices until their successors are elected and qualified.
Secretary and treasurer elected, bond of.	
Where filed.	
Term of office.	
Board direct disposal of money, etc., prescribe duties of secretary and treasurer.	Sec. 5. That the board of directors shall, under the restrictions and limitations of law, direct the disposal of any and all moneys appropriated to the school, and shall prescribe the duties of the secretary and treasurer thereof.
	Sec. 6. That the president of the board of directors shall make a full and complete annual

report to the State superintendent of education of the operation of said school specifying the number of pupils, the number of professors and teachers, the amount of salary of each, the amount of money received and disbursed, and such other information as may be required by law.

Annual report
of president of
board.

Sec. 7. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Repeal.

Approved February 23, 1907.

No. 102.)

AN ACT.

(S. 157.)

To provide for the payment out of the State treasury of salaries of judges of law and equity courts, city courts, and other courts of record of general common law, equity and criminal jurisdiction, with jurisdiction of felonies, or either by whatsoever name called now existing or that may hereafter be established by law, exercising jurisdiction over a single county having a population of not less than twenty thousand, and taxable property of not less than three million five hundred thousand dollars.

Section 1. *Be it enacted by the Legislature of Alabama,* That the salary of judges of law and equity courts, city courts, and other courts of record, of general common law, equity and criminal jurisdiction, with jurisdiction of felonies, or either by whatsoever name called, heretofore established, or that may be hereafter established, whose jurisdiction extends over a county having a population of twenty thousand or more according to the last federal census, and also taxable property of three million five hundred thousand dollars or more in value, according to the last assessment of property for State and county taxation, shall be paid monthly

Salaries of
judges of law
and equity
city and other
courts paid out
of State treasury.

Manner of
paying.

out of the State treasury, as the salaries of circuit court judges are now paid.

Sec. 2. That the salary of the judge of each of said courts shall be and the same as is now or may be hereafter fixed by law, not exceeding the salary of circuit judges. Provided, however, that where city court judges of this State receive by law a larger salary than is allowed circuit judges, then the sum over and above the salary allowed by this act shall be paid out of the county treasury as now provided by law.

Amount of salary.

Amount to be paid by county.

Repeal.

Sec. 3. All laws and parts of laws, general, local, and special, in conflict with the provisions of this act are hereby repealed.

Approved February 26, 1907.

No. 110.)

AN ACT.

(H. 512.)

To establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court; and to prescribe rules and procedure for said court.

Court established.

Jurisdiction of

Section 1. *Be it enacted by the Legislature of Alabama,* That there be, and hereby is, established in and for the county of Morgan a court of law and equity, which shall be called the Morgan county law and equity court, and which court shall have and exercise the jurisdiction, functions and powers which are now, or may hereafter be, by law, conferred upon the several circuit, chancery and city courts of the State. When exercising the jurisdiction, functions, and power of courts of law, said court shall conform to the rules of procedure and practice in the circuit courts of this State, except as otherwise provided in this act, and when exercising the powers, functions, and jurisdiction of courts of equity it shall conform to the rules of proced-

ure and practice in chancery courts of this State, except as otherwise provided herein. Provided, that the presiding judge of said court shall have power to make and adopt such rules or practice as may be required by a proper system of practice for said court, and to amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court, and shall not be in conflict with any of the laws of the State, or the rules of the Supreme Court, and may be changed or annulled by the supreme court of the State.

Presiding judge may adopt rules.

Rules entered on minutes of court and not to conflict laws of State or rules of supreme court.

Sec. 2. That as soon after the approval of this act by the governor as practicable, the governor shall appoint a judge for said court, whose term of office shall begin immediately upon his appointment and qualification; and continue until the general election in the year 1910, and until his successor is elected and qualified at the said general election in the year 1910, and every six years thereafter, a judge of said court shall be elected by the qualified electors of said county, whose term of office shall be for six years from the date of his election, and until his successor is elected and qualified. The judge of said court so appointed and elected as herein provided, shall, before entering upon the duties of his office, take the oath of office required by law to be taken by the judge of the circuit courts of Alabama. The judge of said court, at the time of his appointment and election, shall have been a citizen of Morgan county, Alabama, for a period of one year next preceding his election, and shall be not less than twenty-one years of age, and shall be learned in the law.

Governor to appoint judge, term of office.

Successor elected, term of office.

Oath.

Qualifications.

Sec. 3. The judge of said Morgan county law and equity court shall have and exercise all the powers, functions and jurisdiction which are, or may hereafter be, lawfully exercised by the judges of the circuit courts and chancellors of the State, including authority to issue writs of injunction, prohibition, *ne exeat*, and all other writs which are now, or may hereafter be, law-

Powers of judge.

Vacancy, how filled.

Judge may hold court for circuit judges and chancellors.

Impeachment of.

Clerk of circuit court ex officio clerk; duties and penalties.

Seal of court.

Register in chancery ex-officio register of said court.

Powers and penalties of such register.

fully issued by judges of the circuit courts, chancellors, and judges of the city courts of this State. Vacancies in the office of judge shall be filled by the governor, and the person so appointed shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term, and until his successor is elected and qualified. That the judge of said court may hold court for circuit judges and chancellors of this State, and circuit judges and chancellors of this State may hold the said Morgan county law and equity court for the judge thereof, when it is deemed proper so to do, and shall do so when directed as authorized by law. That the judge of said court may be impeached or removed from office for the same causes and in the same manner as is required by law for the impeachment or removal from office of judges of the circuit courts.

Sec. 4. That the clerk of the circuit court of said county shall be ex-officio clerk of said Morgan county law and equity court on the law side of the docket, and shall have all the powers, and be liable to perform all the duties, and be subject to all the penalties in said court as in like cases in the circuit court, and shall be entitled to the same fees as in like cases in the circuit courts now, or hereafter, allowed by law. The said court shall adopt the seal for the law side of the court, which shall be in the custody of the said clerk. That the office of said clerk, during his term of office, and the records thereof, shall be kept at the court house of said county.

Sec. 5. That the register in chancery of the chancery court of said county shall be ex-officio register of said Morgan county law and equity court on the equity side of the docket, and shall have all the powers, and be liable to perform all the duties, and be subject to all the penalties, as in like cases in the chancery court now, or hereafter, provided by law. The said court shall

adopt a seal for the equity side of said court which shall be in the custody of said register. ^{Seal.} That said register shall be entitled to the same fees as in like cases in the chancery court now, or hereafter, allowed by law. That the office ^{Fees of register.} of said register, during his term of office, shall be kept at the court house of said county.

Sec. 6. That said court shall be held at the court house of Morgan county, or such other ^{Where court held.} place as may be designated by the presiding judge in cases of emergency. There shall be two regular terms of said court in each year, ^{Terms of court.} one to be known as the spring term and one as the fall term. Special jury terms may also be held when, in the opinion of the judge of said court, they shall be necessary for the proper ^{Special jury terms.} transaction of the business therein, for which terms the judge shall enter an order on the minutes of the court, and juries for such special ^{Juries for same.} terms must be drawn and summoned in the same manner as is now, or may hereafter be, provided by law for drawing and summoning juries for special terms of the circuit court; provided, that there may be temporary adjournments ^{Temporary adjournments.} of said court during the terms thereof, such as may be deemed expedient and proper by the judge of said court.

Sec. 7. That the spring term of said Morgan county law and equity court shall begin on the first Monday in February of each year, and may ^{Terms of.} continue in session for five months. The fall term of said court shall begin on the first Monday in September of each year, and may continue ^{Time of holding.} in session for four months, or during the remainder of the year. Provided, that the first term of this court shall convene on the first Monday after thirty days from the approval of this act. The said Morgan county law and equity ^{Power of judge as to terms, etc.} court shall be held in each year as may be determined and fixed by the presiding judge; that the judge of said court is hereby authorized to fix the time and manner of holding the session of said court; and the week or weeks in which

Regulations as
to trial of
cases.

equity cases shall be tried and a week or weeks for the trial of cases in which a jury has been waived by the parties thereto, as provided in this act; a week or weeks for the settling of pleadings and forming of issue in cases which trial by jury, as provided in this act, had been demanded by the parties thereto; a week or weeks for the trial of civil cases at law in which trials by jury have been demanded; a week or weeks for the trial of criminal and quasi criminal cases pending upon the dockets of said court; provided, that such times so selected and fixed by the judge shall be entered of record upon the minutes of said court, and such times of holding the court shall be fixed as soon as practicable after the appointment and qualification of said judge. Provided, the times so fixed for holding such session of the courts may be amended or changed by the judge at any time and in any manner he may deem advisable such change and amendments to be entered upon the minutes of the court. Provided, further, that no case in which a jury is demanded, as provided for in this act, shall be set down for a trial of the issues of fact at a day less than thirty days from the time at which the pleadings are settled and issues formed. Provided, further, that no civil case at law in which a trial by jury has been demanded stands for trial at any jury term of said court until and before the pleadings therein have been settled, and an issue or issues of fact have been formed; and, provided further, that all jury cases in which the pleadings therein have been settled, and an issue or issues of fact have been formed; and, provided further, that all jury cases in which the pleadings have been settled and the issues formed shall stand for trial at the term of said court immediately following the settling of the pleadings and the forming of the issue or issues therein; and it is hereby made compulsory and mandatory upon the judge of said court, at the terms thereof provided for the settling of pleadings and the forming of issues as hereinbefore provided, to settle

the pleadings and to form the issues in all civil cases in which trial by jury are demanded. After the pleadings in any such civil case have been settled, and the issue or issues formed, as herein provided, there shall be no further pleadings therein, except matters occurring subsequent to the settling of the pleadings, at or during the jury term at which the same stands for trial, nor amendments allowed therein; provided, that at any time during the trial, and while the trial of the case is in progress, either party may be allowed to amend so as to meet any phrase of the evidence not covered by the previous pleadings then in the case that may be developed on the trial; provided, that the amendments herein and hereby permitted shall be allowed only upon such terms and conditions as the justice of the case may require.

Sec. 8. In all civil cases at law in said court the defendants therein shall be required by the summons therein served upon them, to appear and plead or demur to the complaint within thirty days after such service of summons and complaint upon them, whether the said service shall be made in term time or in vacation; and in all cases commenced by attachment the defendant shall appear and demur or plead within thirty days after the levy of the attachment and service of notice thereof, or in case the suit is against a non-resident, or other person upon whom service may be had by publication, within thirty days after service is perfected by such publication; and in all other cases the defendant must appear and plead and demur within thirty days after the perfection of service upon him; and in all cases, whether commenced by summons and complaint, attachment, or otherwise, any defendant failing for more than thirty days after service has been perfected upon him, or notice of appeal given, to appear and demur or plead shall be held to be in default, and at any time thereafter judgment by default, on motion of the plaintiff, shall be rendered against him,

Proceedings in civil cases as to defendants.

Proceedings in cases commenced by attachment.

provided that the court may, for good cause shown, allow such judgment, so obtained by default to be set aside and demurrer or pleas to be filed on such terms as the court may think just; but no application to set aside such judgment, unless it be for some reversible error, committed in the rendition thereof, shall be entertained by the court, unless accompanied by an affidavit made by the defendant, his agent or attorney, setting forth defendant's defense to such suit, and provided that the court's action in granting or refusing to grant such judgment by default and for setting aside such judgment, or refusal to set aside such judgment, may be appealed from and such action and ruling be reviewed by the supreme court of Alabama, upon the appellant in such case giving good and sufficient word to be approved by the clerk.

Right of appeal.

Bond required.

Cases tried without jury, unless jury demanded.

Sec. 9. In all cases, whether commenced by summons and complaints, attachment or otherwise, the issue and questions of fact shall be tried by the court without the intervention of a jury, unless the jury be demanded by one of the litigant parties to said cause, prior to or immediately upon the settling of pleadings and the forming of an issue or issues of facts in such cause, and that thereupon and thereafter such cause is placed upon the trial docket of said court, that such demand must be entered of record at the time such demand is made; that this provision shall apply to all cases brought by appeal or certiorari from judgments of justices of the peace, notaries public ex-officio justice of the peace, or where inferior tribunals, except cases in which the amount involved is less than twenty dollars, all which cases shall be tried by the court without the intervention of a jury.

Facts for view by supreme court.

Sec. 10. That whenever by reason of any ruling or decision of the court on the trial of the cause, either upon pleadings, admission or rejection of evidence, or upon charge to the jury, it may become necessary for the plaintiff to suffer a non-suit, the facts, point, ruling or decision

may be reserved for the review and decision of the supreme court by bill of exception or by appeal on the record as in other cases.

Sec. 11. In all cases tried by the court without the intervention of a jury, either party may, in writing, demand of the judge trying such case that he finds the facts specially, and of a special finding be requested, the court must state in writing the facts as it finds them, and such statement, with the judgment of the court, must be entered on the minutes.

Sec. 12. That this court hereby established shall have jurisdiction of all appeals from justices of the peace, or notaries public ex-officio justices of the peace, or other courts of inferior jurisdiction in Morgan county, that all original and mesne processes, notices, citations, and writs scire facias shall be executed instanter and returned immediately upon the execution thereof by the officer receiving and executing the same. That all appeals in civil cases at law from inferior courts to said Morgan county law and equity court shall stand for trial when reached on the regular call of the docket at any time after ten days' notice of the suing out of such appeal shall have been given to the adverse party, as now required by law, subject to the conditions hereinbefore expressed relating to the settling of pleadings and forming of issues in jury cases.

Sec. 13. That all garnishments issued from said court shall require an answer thereto within thirty days after the service thereof; and upon a failure of any garnishee to make answer within thirty days he shall be deemed in default and a judgment nisi may be rendered against him upon motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi, and unless otherwise ordered by the court, all citations, rules, writs of scire facias and notices issuing from said court shall require the party against whom they are issued to appear and plead within thirty days after the service there-

When case tried without a jury; demands of parties.

Jurisdiction over appeals from justices of the peace, etc.

Trial of appeals in civil cases.

Garnishments answer required.

of; if the citation or notices are to be given by publication within thirty days after the perfection of service by publication; and all cases, whether commenced by summons and complaint, attachment, or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant and his pleading, or, if he does not appear within thirty days after the perfection of service upon him, at the end of such thirty days.

Duty of jury
Commissioners
as to
drawing ju-
ries.

Sec. 14. The jury commissioners of Morgan county shall on the day after the adjournment of the last regular term of the court of county commissioners held in each year, or as soon thereafter as practicable, proceed to draw from the jury box grand and petit jurors for each term of the said Morgan county law and equity court to be held during the next ensuing year, in the same manner and under the same regulations as is now prescribed by law for the drawing of grand and petit jurors in the circuit courts and shall envelop, seal and address the same, with the endorsement on the outside of each package, to the clerk of said court. Provided, that said jury commissioned shall, within thirty days from the approval of this act, meet and draw the petit jurors for the jury weeks of said court for the weeks provided for a jury trial in the manner set out in section seven in this act, also, grand jurors, if ordered to do so by the judge of this court, and said petit jurors for said week shall be summoned by the sheriff of said county and empannelled for the trial of causes as is now provided by law for the summoning and empannelling of juries for the trial of civil cases in the circuit courts.

In non jury
cases conclu-
sions of court
presented to
supreme court
for review.

Sec. 15. That in the trial of any cause at law without a jury in said court, in addition to the questions which may be, under existing laws, presented to the supreme court for review, either party may, by bill of exceptions, also present for review the conclusions and judgment of the court upon the evidence, and his special finding of the

facts; and the supreme court shall review the same without any presumption, in favor of the court below on the evidence, and in such case, if they find that there is error, they shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings, as to the supreme court shall seem right.

Sec. 16. That the supreme court of this State shall have appellate and supervisory jurisdiction over said court and the judge thereof, which may be exercised in the same manner and in the same cases as such jurisdiction may be exercised over the circuit court or the judge thereof, and the chancery courts or the chancellors thereof; and appeals may be taken from the judgments, orders and decrees of said court to the supreme court in the same manner, within the same time, and in the same cases as appeals are taken from judgments, orders or decrees of the circuit and chancery court to the supreme court.

Jurisdiction of
supreme court.

How appeals
taken.

Sec. 17. The venue in any case in said Morgan county law and equity court may be changed to other counties than Morgan, under the same rules and regulations as govern changes of venue in the circuit court.

Change of
venue.
manner of.

Sec. 18. That after ten days from the rendition of any judgment or decree, unless otherwise directed in said judgment, the clerk or register of said court shall issue execution returnable as herein provided. Provided, however, that nothing therein contained shall prevent any person from having execution issued within said ten days, upon making affidavit as now provided by law, in relation to the issue of execution upon judgments in the circuit court, and provided further, that nothing herein contained shall prevent the superseding of execution after the issue thereof, upon filing bond as now required by law.

Execution; is-
sued.

Sec. 19. That all laws of general nature now in force or that may hereafter be enacted giving jurisdiction to the circuit court and chancery court, shall be held to extend and apply to said

General laws
apply to.

court, although the said court may not be mentioned therein, unless the contrary be expressly provided and unless they are contrary to the provisions of this act or the rules of practice which the judge of said law and equity court may adopt under this act.

Bills of exceptions; signing of.

Sec. 20. That all bills of exceptions relating to the trial of causes, civil and criminal, in said court, must be signed by the presiding judge of said court within thirty days after the day on which the issue or issues of fact to which said bill of exceptions relate was tried, unless the time for signing such bill of exception is extended as is now or may hereafter be, authorized by law, respecting the signing of bills of exception in the circuit court.

Final judgment and decrees.

Sec. 21. That final judgment and decrees rendered in said court shall, after the expiration of thirty days from their renditions, be taken and deemed as completely beyond the control of the court, as if the term of said court, at which said judgments and decrees are rendered, had ended, at the end of said thirty days; provided, however, that nothing herein contained shall prevent the parties from applying for a new trial or rehearings within said thirty days, or destroy or change the office of motion for new trial or rehearings when so made, or shall prevent parties from applying to said court for rehearing under the statute authorizing applications for rehearing in the circuit court, or shall prevent the court from retrying any cause under the laws of Alabama, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final judgments or the chancery court touching final decrees.

Witnesses must prove attendance.

Sec. 22. That all witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify, and unless they prove their attendance within that time their fee shall not be taxed as

costs, nor shall they be recoverable against either party.

Sec. 23. That the sheriff of said county shall be in person or by deputy required to attend said court, preserve order, and execute and return its process, and perform such other duties in all respects as in the circuit and chancery courts of this State, and he shall furnish all subordinate officers that may be necessary to expedite the business of said court the same as he is, now required to do under the law governing him as officer of the circuit and chancery courts of this State, the fees of the officers of said court for services rendered, and the compensation of jurors and witnesses therein shall be the same as are now or may hereafter be allowed for like services in the circuit and chancery courts of this State.

Duties of
sheriff.

Fees of officers
and witnesses.

Sec. 24. The salary of the judge of said Morgan county law and equity court shall be twenty-five hundred dollars per annum, payable on his order on the county treasury of Morgan county, Alabama, monthly, at the end of each month, and such claim shall be a preferred claim against the county.

Salary of
judge.
How paid.

Sec. 25. The bill of exceptions must be tendered by the party supposing himself aggrieved, stating the point, charge, opinion, or decision, wherein the court is supposed to err, with such a statement of the facts as is necessary to make it intelligible; and, if correctly stated, it is the duty of the presiding judge to sign the same, which therein becomes a part of the record. If the judge fail or refuse to sign a bill of exception, the point of decision and the facts being stated, he is guilty of a high misdemeanor in office; and the supreme court must receive with evidence of the facts as may be deemed by it satisfactory, and proceed to hear the cause as if the bill had been signed by the judge, but application must be filed in the supreme court to establish such bill of exception within thirty days from the refusal or failure of such judge to sign said bill.

Bill of excep-
tions how ten-
dered.

Failure of
judge to sign.

Bill of exceptions may be established.

If the judge dies, resigns, or is impeached, or his term of office expires, or if from other good cause he does not sign a bill of exceptions duly presented to him within the proper time, the bill of exception may be established in the supreme court as provided herein, but the application to the supreme court to establish the same must be filed in the supreme court in or before the next call of the division of said court of the causes of the county in which the case was tried, after the death, resignation, impeachment or the expiration of the term of office of such judge, and in no case can such application be filed after one year from the rendition of the judgment or decree.

Deputy solicitor to act as solicitor.

Election and term of office of solicitor.

Oath.

Qualifications.

Compensation of solicitor.

Sec. 26. That the deputy solicitor for Morgan county shall be a solicitor of said Morgan county law and equity court until the general election in the year 1908, and his successor is elected and qualified. At the said general election in the year 1908, and every four years thereafter, a solicitor for said court shall be elected by the qualified electors of said county, whose term of office shall be four years from the date of his election, and until his successor is elected and qualified. The solicitor for said court so elected as herein provided, shall, before entering upon the duties of his office, take the oath of office required by law to be taken by the solicitor of the circuit courts of Alabama. The solicitor for said court, at the time of his election, shall have been a citizen of Morgan county, Alabama, for a period of one year next preceding his election, and shall be not less than twenty-one years of age, and shall be learned in the law.

Sec. 27. The solicitor for said court shall receive as compensation for his services the same fees as are taxable by law for solicitors in criminal cases in the circuit courts of this State to an amount not exceeding fifteen hundred dollars to be taxed and collected in said court in the same manner as such fees are taxed and collected in said circuit courts, and said fees shall be paid to him instead of the State, and the said so-

licitor of the said court shall have a claim against the fine and forfeiture fund for his fees in cash when convictions are secured and the fees cannot be collected.

Sec. 28. The said Morgan county law and equity court hereby created shall have jurisdiction of all causes now triable by the county court of Morgan county, and all causes now pending in the county court of Morgan county shall be, by the clerk of the circuit court, who is ex-officio clerk of said county court, immediately transferred to the Morgan county law and equity court and such causes shall stand for trial in said court. That prosecution of all misdemeanors may be instituted in the Morgan county law and equity court, as is now provided by law for instituting such proceedings in the county court of Morgan county, Alabama, and that affidavits and warrants issued by the justices of the peace, and notaries public with powers of justices of the peace, or other officers authorized to issue such process, may be made returnable to the said Morgan county law and equity courts and when so returned shall stand for trial in said court.

Jurisdiction of causes triable by county court.

Transfer of same provided for.

Sec. 29. That whenever, for any cause, a jury, grand or petit, shall be quashed by the court, or shall fail to have been drawn or summoned, or if drawn and summoned, shall fail to attend, the court may forthwith order the sheriff to summon from the qualified citizens of Morgan county a jury or juries to serve for any time specified or ordered by the court; and such jury so summoned shall be competent and valid to try all causes pending in said court and perform all other duties as if such jury were regularly drawn and summoned for said court.

When jury quashed, fail to attend, etc., duty of court.

Sec. 30. That all indictments found by the grand jury of the circuit court of Morgan county, charging the commission of a misdemeanor shall be made returnable to the said Morgan county law and equity court; that all civil causes now pending in the circuit court must, in demand of either party to said cause, or their at

Indictments returnable to said court.

Civil cases
pending in cir-
cuit court may
be transferred.

torney in writing made within thirty days after the approval of this act, and filed with the clerk of the circuit court, be transferred forthwith for trial to this court hereby established, and the clerk of the said circuit court, shall transfer to and file in the court herein established all the original papers in such causes, together with certified copies of all dockets and minute entries in said cause, thereupon this court herein established shall have exclusive jurisdiction of said cause; said causes so transferred shall be placed in the trial docket of this court in the numerical order in which they occupied in the trial docket of the circuit court, and have the same right of precedence and priority they had in the circuit court.

Solicitor may
be impeached
or removed
from office.

Sec. 31. That the solicitor for said court may be impeached or removed from office for the same causes, and in the same manner, as is required by law for the impeachment or removal from office of solicitors of the circuit courts of the State.

Grand jury
for said court.

Sec. 32. That there may be a grand jury for said court; that the judge of said court be; and he is hereby, authorized and empowered to order that a grand jury be summoned, and to organize and impanel the same, at any time that he may deem proper and advisable; that such order for the summoning and empanelling of said grand jury shall be entered upon the minutes of said court; that such grand jury shall have power and authority, and it shall be its duty, to investigate all matters and make all recommendations which the grand jury of the circuit court of Morgan county has authority to do or make.

Power and
authority of.

When trial be-
gun before a
jury and not
completed in
same week.

Sec. 33. Whenever any trial is commenced before a jury, and cannot be completed during the week in which the same began, then such trial shall continue into the next week, and until it shall be completed, and such jury shall continue to serve until such case is ended. Provided, that juries for the trial of capital cases shall be drawn, summoned and empanelled as is now, or may hereafter be, provided by law for drawing, summoning and empanelling juries for the trial

Juries for trial
of capital
cases.

of capital cases in the circuit courts of the State. The challenges of juries shall be the same as is now, or may hereafter be, provided by the law Challenges. in the circuit court of the State, and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court, except as otherwise provided in this act.

Sec. 34. That all fees, (in excess of the solicitor's salary) and all fines and forfeitures accruing from the prosecution and trial of criminal causes in this court shall be paid into the fine and forfeiture fund of Morgan county. Fees, and fines paid into the fine and forfeiture fund.

Sec. 35. That the clerk and the register, with the approval of the judge of this court, are hereby authorized to purchase all necessary furniture, records, stationery supplies for the equipment and maintenance of said court; that the same shall be paid for out of the county treasury upon warrant by the judge and countersigned by the clerk or register. Purchase of supplies.

Sec. 36. That this act shall go into effect immediately after its approval by the governor. Effect.

Approved February 25, 1907.

No. 116.)

AN ACT.

(H. 415.)

For the relief of Wm. H. Clemons an ex-confederate soldier of the county of Tallapoosa, Alabama. Whereas, William H. Clemons, a resident citizen of Tallapoosa county, Alabama, a disabled confederate soldier, duly made application for relief under the act for the relief of needy confederate soldiers and sailors resident citizens of the State of Alabama and their widows—for his pro rata than of the money appropriated by the State of Alabama for the years 1894 and the said application met all the requirements of the law, but without fault on his part his application was mislaid, lost or destroyed and he failed to receive his pro rata share of said pension fund, and whereas, on

account of old age and disease and only having one arm he is unable to earn a living by manual labor.

Auditor required to draw warrant.

Treasurer required to pay same.

Section 1. *Be it enacted by the Legislature of Alabama,* That the auditor of Alabama is hereby authorized and required to draw his warrant upon the treasury of Alabama, in favor of William H. Clemons of Tallapoosa county, Alabama, for the sum of thirty-six dollars (\$36.00) and the treasurer of the State of Alabama shall pay said warrant out of the pension funds in the State treasury not otherwise expended.

Approved February 22, 1907.

No. 117.)

AN ACT.

(H. 648.)

For the relief of E. Pippin, a confederate pensioner of Clark county, Alabama.

Auditor required to draw warrant.

Payment of same.

Whereas, E. Pippin, a needy confederate soldier of Clark county, was on the pension roll of said county, and entitled to participate in the distribution of the fund for "the relief of needy confederate soldiers," under act approved February 10, 1899, and whereas, during the year 1906 the State board of pension examiners, through error, had the name of said E. Pippin stricken from said roll as dead, thereby depriving him of the amount due under distribution of said fund made on October 1st, 1906; be it enacted by the legislature of Alabama, that the auditor of said State be and he is hereby authorized and directed to draw a warrant on the treasurer of the State in favor of said E. Pippin for the sum of thirty dollars, the same being the amount due him as a confederate pensioner of said county for the year 1906, said amount to be paid out of the funds appropriated especially for confederate pensioners of said State.

Approved February 22, 1907.

No. 120.) AN ACT. (S. 155.

To amend an act entitled "an act to amend section 3602 of the code of Alabama," approved September 9, 1903.

Section 1. *Be it enacted by the Legislature of Alabama,* That an act entitled "an act to amend section 3602 of the Code of Alabama," approved September 9, 1903, be amended so as to read as follows: That section 3602 of the code of Alabama be amended so as to read as follows, to-wit: 3602 (1005). Contingent expenses and amount for normal schools set apart; residue apportioned. As soon as such certificate is received by the superintendent of education, he shall set apart, out of the general fund, a sufficient amount to pay such expenses of the department of education as are, by law, payable out of such fund, and also the following amounts for normal schools, to-wit: For the normal schools at Florence, Troy, Jacksonville and at Livingston, \$15,000.00 each and for other normal schools such sums as are provided by law, and he shall then apportion all the remainder of such fund, as nearly as practicable, among the several townships and school districts in the State, as hereinafter provided.

Approved February 28, 1907.

No. 133.) AN ACT. (H. 205.

To appropriate the sum of ten thousand dollars for the completion of the school building of the fifth congressional district agricultural school located at Wetumpka, the main school building being destroyed by fire January 5th, 1906.

Amount appropriated. Section 1. *Be it enacted by the Legislature of Alabama*, That the sum of ten thousand dollars is hereby appropriated for the completion of the school building of the fifth congressional district agricultural school located at Wetumpka, the main school building being destroyed by fire on January 5th, 1906.

Auditor required to draw warrant. Sec. 2. That the State auditor is hereby authorized and directed to draw his warrant on the State treasurer in favor of the treasurer of the board of control of the fifth congressional district agricultural school, for the sum of ten thousand dollars, and the State treasurer is hereby authorized and directed to pay the amount of said warrant out of the funds in the State treasury not otherwise appropriated.

Treasurer to pay same.

For what purpose used. Sec. 3. That the said sum of ten thousand dollars shall be expended by the board of control of said fifth congressional district agricultural school in the completion of the school building of the said fifth congressional district agricultural school at Wetumpka.

Approved March 2, 1907.

No. 135.)

AN ACT.

(H. 507.)

To appropriate the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, to T. T. Herbert as a confederate pensioner for said years, his name having been erroneously omitted from the list of pensioners for said years.

Amount appropriated. *Be it enacted by the Legislature of Alabama*, That the sum of \$22.65 for the year 1904 and the further sum of \$30.00 for the year 1905, be and the same is hereby appropriated for the benefit of T. T. Herbert as a confederate pensioner for said years, his name having been erroneously omitted from the lists of pensioners for said years; and the auditor is hereby authorized and

Auditor required to draw warrant and treasurer to pay same.

directed to draw his warrant or warrants therefor upon the treasurer in favor of said T. T. Herbert and the treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

Approved February 26, 1907.

No. 145.)

AN ACT.

(H. 685.

To establish a law and equity court for Madison county.

1. *Be it enacted by the Legislature of Alabama*, An inferior court of law and equity is hereby established for the county of Madison, to be called the law and equity court of Madison county. Court established.

2. This court and the judges thereof shall have and exercise all the jurisdiction and powers of the circuit court and the judges thereof, and of the chancery court and chancellors. Powers and jurisdiction.

3. This court shall also be vested with full power and jurisdiction to hear and determine all civil cases at law and criminal causes, and causes in equity that may be transferred thereto from any other court of Madison county, by statute, operation of law, agreement of parties or otherwise, and to issue and execute all process therein. Powers and jurisdiction over transferred cases.

4. The judge shall be appointed for this court by the governor, to hold until the general election in 1910, and until his successor is elected and qualified. The judge of this court at the time of his appointment, or election, shall have been a citizen of this State for five years next preceding his election, and shall be, not less than twenty-five years of age and learned in the law. The term of the judge shall be six years, and until his successor is elected or appointed and qualified; and a judge shall be elected at the general election in 1910, and every six years thereafter. Judge of appointment by governor. Term of office; when elected. Qualifications.

Election of
judge.

Oath.

Vacancy, how
filled.

Salary of; how
paid.

Causes may be
transferred;
how.

Failure of
to attend
court, etc.,
appointment
special judge.

Incompetency
of judge.

Power and sal-
ary of special
judge.

Terms of
court.

The judge shall take and file the oath of office required or circuit judges. Vacancies in the office of judge shall be filled by appointment of the governor, the appointee to hold office until the next general election of circuit judges and until his successor is elected or appointed and qualified. The judge shall be a resident of the county of Madison at the time of his appointment or election and during his continuance in office. The salary of the judge shall be twenty-five hundred dollars per annum, to be paid out of the county treasurer monthly at the end of each month upon the order of the judge to the treasurer. Such claim shall be a preferred claim against the county.

5. Causes may be transferred from the chancery or circuit courts of the county to this court, and from this court to the chancery or circuit courts upon the written agreement of the parties filed in the court where the cause is pending, and when so removed, cause shall stand for trial in the court to which they are removed as if originally filed therein.

6. All laws relating to the failure of circuit judges to attend court, penalty for failure to hold court by such judges and appointment of special judges for circuit court shall apply to this court and the judge thereof so far as practicable. All laws relating to the incompetency of circuit judges and the selection of a competent judge to act, shall apply to this court and the judges thereof, so far as practicable. Special judges shall have and exercise all the jurisdiction and power of the judge of this court and shall receive five dollars per day while actually engaged in holding court, payable out of the county treasury on their order to the treasurer.

7. This court shall be held on the second Monday in January and may continue until the last Saturday in June in each and every year or until the business is disposed of, and on the third Monday in September and may continue until the last Saturday in December in each and every year or

until the business is disposed of, and at such terms shall transact all business, civil, criminal or in equity, in such order as the judge may direct or see fit.

8. Grand juries shall be organized at the January and September terms, whose sessions shall be limited to two weeks at each term, unless the judge shall enter an order upon the minutes extending the session. Grand juries.

9. All laws relating to the qualifications, competency, exemptions, objections to, challenging, drawing, summoning, organizing, swearing and arranging of juries and grand juries and talesmen and special petit juries in capital cases and special grand and petit juries and regular juries at special terms, applying to circuit courts, shall apply to this court as far as practicable, and not in conflict with any the provisions hereof. Qualifications, etc., of juries.

10. All laws relating to indictments, excusing jurors, objections to jurors, juries and grand juries and to organization of juries and grand juries, and to proceedings against defaulting jurors, and all laws of practice or procedure, in circuit courts, shall apply so far as practicable to this court, if not in conflict with any of the provisions hereof, and jurors and grand jurors shall receive the same pay to be paid in the same manner as in circuit courts. Laws relating to indictments objections to jurors, etc., etc., applicable.

11. Petit jurors shall be drawn and summoned for the first three weeks of each of said terms in the manner now prescribed by law, and petit jurors may be drawn and summoned for any other week of said court, as the judge may direct, by an order entered on the minutes, such jury when so ordered must, be drawn from, the jury box, by the judge, and the jurors summoned as other jurors. Time and manner of drawing petit jurors.

12. The judge may, if he sees fit, dispense with the summoning of a jury for any term or any part of a term by an order entered on the minutes in vacation term time; and he may by a similar order, dispense with the holding of any term of May dispense with summoning of jury.
Same as to term of court.

said court, or any part of a term at his discretion.

Laws regulat-
ing proceed-
ings in circuit
courts applica-
ble.

13. All laws, local or general, regulating proceedings and practice in the circuit court of said county, and regulating the proceedings and practice in circuit courts generally, where said general laws are not in conflict with said local or general laws regulating proceedings and practice in said county, so far as practicable shall apply to this court, and all rules of practice applicable to circuit courts, so far as practicable, shall apply to this court, when not in conflict with any provision hereof.

Laws regulat-
ing appeals
from justice
courts applica-
ble.

14. All laws providing for and regulating appeals from the courts of justice of the peace and notaries public exercising the jurisdiction and powers of justices, and of the trials of such appeals in circuit courts, shall apply to this court, when not in conflict with any provision of this act; and parties shall have the same right of appeal from the courts of justices and notaries to this court as is allowed by law to circuit courts, in both civil and criminal cases.

Bailiffs ap-
pointed, salary
of.

15. The judge shall appoint a sufficient number of bailiffs to attend upon the sessions of the court, who shall receive two dollars per day for their services, to be paid as jurors are paid.

Duties and lia-
bility of sher-
iff.

16. Sheriffs shall discharge the same duties in reference to this court required of them by law with reference to circuit courts, and shall be liable to the same pains and penalties in the discharge of such duties, and shall be entitled to the same fees and emoluments for such services and shall exercise all powers and authority conferred on them by law with reference to circuit courts and generally, in regard to this court.

Jurisdiction of
supreme court.

17. The supreme court shall have appellate and supervisory jurisdiction over this court, and cases at law may be removed from this court to the supreme court in like manner as from circuit courts, both civil and criminal; and equity

Causes may be
removed to su-
preme court.

causes may be so removed in like manner as from chancery courts; and the appellate and super-

visory jurisdiction of the supreme court and the judges thereof shall be exercised in the same manner as in like cases it is exercised over circuit courts and judges and chancery courts and chancellors.

18. Witnesses before the grand jury and other witnesses in this court shall be summoned in the manner provided for witnesses before grand juries in circuit courts and witnesses generally in such courts and shall be subject to the same pains and penalties when in default, and shall receive the same pay allowed witnesses in circuit courts, to be taxed and collected in the same manner.

Witnesses;
how summoned;
penalties.

Pay of

19. The clerk of the circuit court of said county shall be ex-officio the clerk of this court, and shall be clothed with all the powers, discharge all the duties, and receive all the emoluments of circuit clerks, and be liable to the same pains and penalties, and his official bond as circuit clerk shall cover all derelictions of duty, with references to this court.

Clerk circuit
court ex officio
clerk, duties;
penalties;
fees.

20. All laws, rules and regulations governing circuit courts and judges and chancery courts and chancellors, shall apply to this court and the judges thereof, so far as practicable and not in conflict with any of the provisions hereof.

Laws governing
same.

21. The register of the chancery court of Madison county shall be ex-officio register of this court sitting as a court of equity, and shall be clothed with all the powers and perform all the duties, and receive the fees of registers in chancery and his bond as register shall cover all dereliction of duty as register of this court.

Register in
chancery, duties
of; liabilities,
fees.

22. All laws, rules and regulations relating to practice and procedure in courts of chancery, shall apply to this court as a court of equity, so far as practicable, and not in conflict with any provision hereof.

Laws of chancery
court
applicable.

23. In suits for divorce, where decrees pro-confesso are taken, causes may be determined in vacation; and upon a request being filed with the register by the complainant or his solicitor for

Divorce causes
determined in
vacation.

Prosecutions
for misde-
meanors.

Demand for in-
vestigation by
grand jury.

Duty of clerk
when demand
granted.

Immediate
trial demand-
ed.

Additional sum
to be assessed
as costs.

a submission of such cause for decree in vacation, the register shall call the attention of the judge to such request, who as soon as practicable thereafter shall render a decree in such cause.

24. Prosecutions for misdemeanors may be instituted and warrants issued in this court upon affidavit made before the judge or clerk of the court or a justice of the peace, returnable to the next term of the court; and parties so proceeded against, may, at such term, but not afterwards demand that the charge be investigated by the grand jury, and must execute bond for their appearance to answer such charge if an indictment is returned, and failing to execute bond must be committed to jail to await the action of the grand jury; but bond may be taken by the sheriff at any time after such commitment. When such demand is granted the clerk must lay the papers in the case before the next grand jury. The judge, clerk and justices of the peace are empowered to take sworn complaints as to parties charged with felony and to issue warrants therein returnable before the judge. In prosecutions for misdemeanor, the judge shall determine both the law and the facts, unless a jury is demanded and no statement of the offense shall be necessary other than that contained in the affidavit, which shall designate the offense by name, or by some phrase which in common parlance designates it and state that the affiant has probable cause to believe and does believe that such offense has been committed by the party accused.

25. Parties in jail or in actual custody upon a charge of misdemeanor may by filing a demand in writing in person or through attorney, waiving a jury, demand have an immediate trial before the judge.

26. In all convictions for misdemeanor a sum of five dollars shall be assessed as part of the costs, in addition to the other fees and costs, against the defendant, for the county, to be collected as other costs and paid into the county treasury as part of the general fund.

27. All laws and rules, regulating bills of exceptions and appeals both in civil and criminal causes from circuit courts and appeals from chancery courts shall apply to this court so far as practicable.

Appeals and bills of exceptions; laws applicable.

28. All laws and rules applicable to circuit and chancery courts and to proceedings and practice in such courts shall apply to this court where practicable and not inconsistent with any provision of this act.

Laws and rules of circuit and chancery courts applicable.

29. When an appeal is taken from the court of a justice of the peace or a notary public with jurisdictions and powers of a justice, the plaintiff if he take the appeal, shall file a new complaint to this court within ten days after the defendant take the appeal, the plaintiff shall file such complaint within ten days after the filing of the papers in such court, provided notice of appeal has been served upon him for five days as now required by law. If plaintiff fails to file complaint within such time, his cause may be dismissed, or he may be allowed to file his complaint upon such terms as the court may prescribe. A defendant in appeal shall have ten days after such new complaint is filed, notice of appeal having been served on him for five days, to plead thereto, and failing to so plead, a judgment by default may be taken against him in vacation or in term time; but such judgment taken in vacation, may be set aside at the next term of court, at the discretion of the judge and upon such terms as he may prescribe. The clerk shall give immediate notice of the filing of the papers to the appellee.

Appeals from justices court.

Failure of plaintiff to file complaint.

Defendant in appeal.

30. It shall be lawful for the supernumerary judge or any circuit judge to hold this court.

Supernumerary or circuit judge may hold court.

31. One half of all fines assessed against defendants on conviction shall be paid in money, which be turned into county treasury as a part of the fine and forfeiture fund.

One-half of fines to be paid in money.

32. In all cases of conviction, the party convicted shall be sentenced to hard labor for the county, where the sentence is for two years or

When parties
sentenced to
hard labor.

Additional sen-
tence for costs.

Special terms
of court.

Change of
venue.

When juror
sick; laws ap-
plicable.

Appointment
of counsel.

less, except when the county has no hard labor contract or its contract does not include the class or sex to which the party be sentenced belongs; and in case of felony no additional sentence for costs shall be imposed, but the cost of conviction shall be first paid out of the hire of the convicts, and the balance placed to the credit of the general fund of the county; in cases of misdemeanor, however, an additional sentence for costs may be imposed, as provided in section 5426 of the code. Nothing in this section, however, shall interfere with imprisonment in the county jail, in cases, where it is authorized by law and a jail sentence is deemed proper.

33. Special terms of said court for the transaction of civil business at law or in equity and criminal business may be called by the judge by an entry on the minutes, at any time to continue as long as the judge may deem it necessary; and the sheriff shall forthwith upon the order of the judge, bring the jury box into the court, and the judge shall draw therefrom a grand jury and a sufficient number of petit jurors for said term, and said grand jury when so ordered and organized, shall have and exercise all the powers of grand juries at regular terms. No notice of the calling of such special term shall be necessary and any and all business may be transacted thereat as at regular terms. Adjourned terms may also be held as provided by law for circuit courts.

34. All rules, laws and regulations governing change of venue in circuit courts shall apply to this court, so far as practicable.

35. All laws applying to circuit courts in regard to the keeping together and discharging sick jurors and juries; cases where the defendant stands mute or refuses to plead, or pleads guilty; appointing counsel to defend and serving copy of indictment and venire in capital cases, and allowing and providing for a waiver of special venire in capital felonies where the defendant or arraignment or at any time before a special venires drawn, pleads guilty, and regulat-

ing the practice in such cases, shall apply to this court, where practicable and not in conflict with the provisions hereof.

36. All laws rules and regulations as to the Bail. taking of bail and bail generally, governing circuit courts and judges, shall so far as practicable apply to this court and its judge.

37. Final judgment and decrees rendered in said court, shall, after ten days from their rendition, be taken and deemed as completely beyond the control of the court as if the term of the court had ended at the end of said ten days. Final judgment and decrees.

38. Executions on judgments must issue within twenty days from the date of their rendition; but no execution shall issue within less than ten days after the rendition of the judgment unless the party in whose favor it is rendered, make affidavit before the judge or clerk in person or through his attorney that in his opinion he is in danger of losing the fruit of his judgment. Alias executions may issue at any time. Executions must be made returnable within sixty days after the date of issuance. Executions.

39. The court shall not convene sooner than ten a. m., on the first day of each term. Time of convening court.

40. This act shall take effect immediately upon its approval, and the court may be organized and transact business for the remainder of the unexpired term as if the court had been in existence at the beginning of such term as fixed by this act. Effect

Approved February 26, 1907.

To amend section one and two of an act approved, January 30, 1897, to regulate the appropriation and management of the several Agricultural Schools and Experiment Stations in the State of Alabama.

Sections 1 and
2 amended.

Amount appro-
priated.

When paid.

Amount used
in improving
farm and mak-
ing agricultu-
ral experi-
ments.

1. *Be it enacted by the Legislature of Alabama,* That sections 1 and 2 of an act approved, January 30, 1897, entitled an act to regulate the appropriation and management of the several Agricultural Schools and Experiment Stations in the State of Alabama, be and the same are hereby amended so as to read as follows: That for the support of the nine branch Agricultural Schools and experiment stations located in the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth congressional districts respectively in the State of Alabama. There shall be appropriated annually out of any money in the treasury not otherwise appropriated the sum of four thousand five hundred dollars to each of said schools one fourth of said sum to be paid quarterly to wit: January 1st, April 1st, July 1st and October 1st of each year to the treasurer of the board of control of such schools.

2. That not less than seven hundred and fifty dollars of the sum so appropriated to each of said schools shall be used in maintaining, cultivating and improving the farms respectively and making agricultural experiments thereon under and by direction of the respective board of control.

Approved March 2, 1907.

No. 147.

AN ACT.

H. 467.

To provide for the maintenance of the "Alabama Girls Industrial School" and the complete equipment of its class rooms, laboratories and work shops and to build and furnish additional buildings therefor.

Section 1. *Be it enacted by the Legislature of Alabama:* That for the regular maintenance of the "Alabama Girls Industrial School" there is hereby appropriated, annually, out of any money in the state treasury thirty six thousand dollars to be paid in quarterly installments of nine thousand dollars to the treasurer of the school, upon the order of the president of the school, approved by the governor.

Amount appropriated for maintenance; how paid.

Section 2. There is hereby appropriated, out of any money in the treasury, the sum of fifty thousand dollars a year, for the four years 1907, 1908, 1909, and 1910, to be expended by the trustees of the school for the equipment of class rooms, laboratories, work shops and new buildings and the necessary furniture, fixtures, apparatus, machinery and things, therefor, and in the following order: 1. For the complete equipment of the class rooms, laboratories and work shops of the school. 2. For building an infirmary and quarantine hospital and furnishing the same. 3. For a power house and laundry away from the dormitory and equipping the same with boilers, engines, pumps and all necessary machinery and fixtures. 4. For the completion of the dormitory and additional dining room and kitchen and furnishing these. 5. For buying any needed land, or paying for it upon condemnation thereof. 6. For building and equipping greenhouses and propagating houses for department of horticulture and floriculture. 7. For building modern dairy and cow stables and equipping the same. 8. For an assembly hall or chappel and furnishing the same. The rest, if any, shall be used by the trustees in or upon the grounds, or buildings to the best in-

Amount appropriated for years 1907, 1908, 1909, and 1910; for what purposes.

Order of building.

terest of the school, and the whole of the two hundred thousand dollars shall be available till used, but must not be drawn from the treasury, till actually needed, when it shall be paid to the treasurer of the school on the order of the president of the school, approved by the governor.

Trustees may
change order
of erection.

Section 3. The trustees may change the order in which the buildings are to be erected, whenever in their judgment the true interests of the school will be best subserved thereby.

Approved March 4, 1907.

No. 149.)

AN ACT

(H. 128.)

To prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted."

How election
ordered.

Section 1. *Be it enacted by the Legislature of Alabama:* Upon the application of one-fourth of the qualified voters of any county in the State of Alabama by petition in writing, signed by such qualified voters addressed to the probate judge of such county, he shall, within ten days, after the presentation of such petition, order an election to be held in said county, within forty days from the presentation of said petition, to determine whether intoxicating liquors, drinks or beverages may be sold or otherwise disposed of within the limits of such county; but such election shall not be held within less than thirty days from the time it is ordered, nor within thirty days of the time of holding any county, State or national, general or primary election in said county. But no election shall be called or held under the provisions of this act affecting any

Time of hold-
ing same.

dispensary that has already been established before the expiration of two years from the approval of this act. And no election shall be called or held under the provisions of this act in or for any county in which a dispensary may be established or may be authorized to be established for the sale of spirituous, vinous or malt liquors, under the provisions of any act passed by the present session of the legislature before the expiration of two years from the date of the approval of said act.

Section 2. Notice of such election shall be published for twenty days preceding the election in some newspaper published in said county, or if there be no newspaper published in said county, then by posting notice thereof for the same period of time as required for publication in a newspaper, at five or more public places within the county. It shall be the duty of the sheriff of such county to provide for the notice and publication required in this section.

Notice of election.
Duty of sheriff as to

Section 3. The probate judge, clerk of the circuit court, and sheriff of the county in which an election is ordered under this act shall, within ten days after the election is so ordered, appoint three managers and one returning officer for each precinct, polling or voting place in said county to manage, conduct and make returns for such election; such managers and returning officers so appointed shall be, as far as it is practicable so to do, equally divide between those who favor prohibition of the sale of intoxicating liquors and those who oppose the prohibition of such sale; and all three of the managers in any precinct shall not be appointed from the same class; that is, those favoring or opposing the prohibition of the sale of intoxicating liquors, if it be practicable to appoint the managers from both classes at such precincts. If all the managers thus appointed for any precinct do not appear on the day of election to conduct the election, or if any returning officer is not present to make his return, the manager or managers so appearing may ap-

Managers and returning officers; how appointed.
When managers fail to appear.

point managers and returning officers, to fill the places of those failing to appear, in accordance with the provisions of this section, as far as practicable. All managers and returning officers shall be qualified electors within the precinct, polling or voting place for which they are appointed.

Sheriff to notify managers of appointment.

Section 4. The sheriff shall, as soon as practicable after the appointment of the managers and returning officers for said election, notify them of their appointment in writing.

Probate judge to prepare ballots, etc.

Section 5. The probate judge shall prepare or provide the necessary ballots, not less than double the number of qualified electors in each precinct, poll lists, talley sheets, return sheets and instructions for holding the election, ballot boxes, voting booths, or other stationery or other material necessary for the proper holding of the election, and it shall be the duty of the sheriff to see that the same are delivered to one of the managers of each election precinct or voting place before the day of the election.

Ballots, how prepared and form of.

Section 6. The ballot used in such election shall have printed or written on the same "Against the sale of liquors," "For the sale of liquors," and the voter in preparing or casting his ballot shall make a cross mark before the phrase "Against the sale of liquors" or before the phrase "For the sale of liquors" as the case may be, indicating his choice, or vote, but no ballot or vote shall be rejected or the count thereof refused for failure to comply with this section, if the ballot clearly shows or indicates the choice of the voter; Provided that in any county where liquors are sold only in dispensaries established by law at the time of the election the form of ballot shall be "Against the sale of liquors" and "For the sale of liquors in dispensaries."

Result of election ascertained by managers.

Section 7. Immediately after the polls are closed, the managers shall duly ascertain the result of the election at their respective voting places, and make due returns of the same to the probate judge of said county, and deliver the ballot box containing the returns so made, together

with the ballots, poll lists, talley sheets, and other necessary papers to the returning officer for such voting place, who shall deliver the same to the probate judge of such county, at his office, on or before noon of the second day after the election.

Ballots, etc.,
delivered to
probate judge.

Section 8. The probate judge, sheriff and circuit clerk shall in open session five days after the election, canvass the returns so made and under oath make a written report declaring the result of the election as to the entire county, showing the number of votes cast in said county and at each voting place against the sale of liquors and the number cast for the sale of liquors, which report shall be filed at once in the office of the probate judge and published in a newspaper published in said county, and if there be no newspaper published in such county, then by posting copies of the report in five public places in the county, and by posting a copy of said report at the court house door of said county in each case whether there be a newspaper in the county or not.

Probate judge,
sheriff and
clerk canvass
returns and
declare re-
sults.

Section 9. Except as is otherwise provided in this act, elections held under it shall be held and conducted under the general election law of this State, and the officers of election under the general laws of this State shall discharge and perform the same duties and receive the same compensation as required of and provided for in the general election laws of this State, which compensation and all costs of election shall be paid out of the county treasury of the county in which the election is held.

General elec-
tion laws of
State govern.

Costs of elec-
tion paid out
of county
treasury.

Section 10. Any officer, manager or returning officer of election who shall fail or refuse to perform any duty required of him under the provisions of this act or the general election law shall be liable to a penalty of not less than one nor more than five hundred dollars to be recovered of him in a civil action in a suit by the county against him in which such election was held and shall also be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars.

Penalty for
failure of offi-
cers to per-
form duty.

Who entitled
to vote.

Section 11. All persons who are qualified electors under the constitution and general election laws of this State at the time of the election, and only such, shall be entitled to vote at any election held under the provisions of this act.

Time between
elections.

Section 12. When an election has been held under this act in any given county no other election shall be held in such county under the provisions of this act within two years from the date of such election.

Contest of
election.

Section 13. Any election held under the provisions of this act may be contested by any elector of the county in which the election is held in the same manner as is or may then be provided by the general election laws of this State for the contest of an election for the office of probate judge. And the county shall be made the contestee and the county solicitor shall be required to respond to the contest.

When majority
vote against
sale of liquor.

Section 14. If a majority of the legal votes cast at any election in any county held under the provisions of this act shall be "against the sale of liquor," then it shall not be lawful to sell or otherwise dispose of any intoxicating liquors, drinks, or beverages within the bounds of said county after the thirty first day of December next succeeding the date of such election, nor shall a license be obtained or granted authorizing or purporting to authorize the sale or other disposition of such intoxicating liquors, drinks or beverages after the date of such election within said county, and all licenses issued before such election shall be null and void and shall not authorize the sale or other disposition of such intoxicating liquors after the thirty-first day of December next succeeding the date of the election; Provided subsequent elections may be held under the provisions of this act. And if at any subsequent election held in such county a majority of the votes cast are for the sale of liquors or for the sale of liquors in dispensaries then on and after the first day of January next succeeding such election, intoxicating liquors may be sold in such county as the

Subsequent
election.

same was authorized to be sold on January 1st, 1908.

Section 15. If a majority of the legal votes cast at any election held in any county under the provisions of this act shall be "for the sale of liquors," or "for the sale of liquors in dispensaries," shall not be affected by such election. When majority vote for sale of liquor.

Section 16. The provisions of this act shall extend to all sales or other dispositions of intoxicating liquors, drinks or beverages, whether by dispensaries, retailers, wholesale dealers, or any separate or isolated sales or dispositions. What act extends to.

Section 17. Neither the provisions of this act nor the result of any election held under such act shall have the effect to repeal or annul any law which now or which at the time of such election prohibits the sale or other disposition of intoxicating liquors, drinks or beverages within any county or precinct of such county. Does not repeal law prohibiting sale of liquor.

Section 18. The provisions of this act are not intended to extend to or to prohibit the use of wines for sacramental purposes. Not effective as to wines for sacramental purposes.

Section 19. The phrase "intoxicating liquors drinks or beverages" used in this act shall include all alcoholic liquors, drinks or beverages which are or may be intoxicating. Meaning of phrase "intoxicating liquors, drinks or beverages."

Approved February 26, 1907.

No. 151)

AN ACT.

(S.106.

To require and authorize the railroad commission to prescribe rules, regulations and requirements for the issuance and use of interchangeable mileage tickets and coupon tickets on and over lines of transportation of railroad common carriers of passengers in this State, and punish any violation of such orders, rules, regulations and requirements.

1. *Be it enacted by the Legislature of Alabama.* That the Railroad Commission of Alabama is hereby authorized and directed to prescribe

Railroad commission has power to prescribe rules and requirements for issuance of interchangeable mileage book.

rules, regulations and requirements for the issuance by railroad common carriers of passengers in Alabama of an interchangeable ticket or mileage book, with coupons or other detachable arrangement in proportion to the amount used by the person entitled thereto, to be received by any railroad, common carrier of passengers in this State for passage to any person or persons to whom issued.

Power as to redemption of same.

2. Said railroad commission is further authorized to prescribe rules and regulations for the redemption by the railroad common carriers issuing and selling said tickets or mileage books, of all such parts thereof as may be accepted by any other railroad common carrier of passengers in this State in payment of passenger fare.

Penalty for failure to accept same.

3. That after the making of such rules and regulations by said railroad commission, and their publication for thirty days in some daily newspaper published in the State of Alabama, it shall be unlawful for any railroad common carrier of passengers, other than street railroads, their officers, agents, or servants to refuse to accept such mileage books or tickets or portion thereof in payment of passenger fare in proportion to the distance traveled by the holder thereof and on conviction thereof the said railroad common carrier, corporation, individual partnership or association, agent, officer or servant shall be fined not less than fifty dollars nor more than one thousand dollars.

Intent of act.

4. It is not intended hereby to authorize or require nor shall the railroad commission undertake to require or prescribe a different rate for such tickets or mileage books from any other character of tickets.

Approved March 2, 1907.

No. 152.)

AN ACT.

(S. 83.)

To appropriate the sum of six thousand dollars for the completion and improvement of the school buildings of the 8th congressional district agricultural school located at Athens: The main school building having been destroyed by a storm in November, 1906.

Section 1. *Be it enacted by the Legislature of Alabama*, That the sum of six thousand dollars be and the same is hereby appropriated for the completion and improvement of the school buildings of the 8th congressional district agricultural school located at Athens. The main building having been destroyed by a storm in November, 1906.

Amount appropriated.

Section 2. That the State auditor is hereby authorized and directed to draw his warrant on the State treasurer, in favor of the treasurer of the board of control of the 8th congressional district agricultural school for the sum of six thousand dollars and the State treasurer is hereby authorized and directed to pay the amount of said warrant out of any funds in the State treasury not otherwise appropriated.

Auditor directed to draw warrant and treasurer pay same.

Section 3. That the sum of six thousand dollars shall be expended by the board of control of the 8th congressional district agricultural school in the completion and improvement of the school buildings of the said 8th congressional district agricultural school at Athens.

How expended.

Approved February 28, 1907.

No. 153.)

AN ACT.

(S. 18.)

To prevent any officer, agent or employe of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, from charging or receiving for the transportation, originat-

ing and terminating within the State, of any article a greater or higher rate of compensation than that established by statute, where a rate for the transportation of such article has been established by statute, or from refusing to receive such article for transportation at the rate established by statute.

When maximum rate established, unlawful to charge or receive greater rate.

Section 1. *Be it enacted by the Legislature of Alabama*, That in all cases where the maximum rate of compensation for the transportation originating and terminating within the State, of any article over any railroad operated as a common carrier in whole or in part in this State, has been established by statute, it shall be unlawful for any officer, agent or employee of any person, company or corporation owning or operating such railroad to charge for or receive any greater or higher rate of compensation for such transportation of such article than the rate established by statute, or to refuse to receive such article when offered for such transportation at the rate of compensation established by statute.

Penalty for violation.

Sec. 2. That any officer, agent or employe of any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and, for each offense, upon conviction, shall be fined not more than one thousand dollars nor less than two hundred dollars and in addition, shall be imprisoned in the county jail for the period of six months.

Effect.

Sec. 3. That this act shall go into effect immediately upon its passage and approval.

Approved March 2, 1907.

No. 154.)

AN ACT.

(S. 16.

To fix and establish the maximum rates to be charged by railroads now operating, or which may hereafter operate, as common carriers in whole or in part in the State of Alabama, for the transportation, originating and terminating within the State, or certain articles, and for this purpose to classify said articles and said railroads.

Section 1. *Be it enacted by the Legislature of Alabama,* That for the purpose of establishing the maximum rates to be charged by the railroads now operating, or which may hereafter operate, in whole or in part, as common carriers in this State, for the transportation, originating and terminating within the State, of certain articles, all such railroads are hereby divided into four classes, to be known as class one, class two, class three and class four. Railroads divided into classes.

Class one shall include the Alabama Great Southern railroad, the Louisville and Nashville railroad, the Western of Alabama, the St. Louis and San Francisco railroad and the Atlantic Coast Line railroad. Class 1.

Class two shall include the Southern railway, the Central of Georgia railroad, the Seaboard Air Line railway, the Nashville, Chattanooga and St. Louis railway and the Atlanta and Birmingham Air Line railway. Class 2.

Class three shall include the Mobile and Ohio railroad, the Mobile, Jackson and Kansas City railroad, the Chattanooga Southern railroad, the Illinois Central railroad. Class 3.

Class four shall include the Chattahoochee Valley railroad, the Carrollton Short Line railroad, the Birmingham and Atlantic railroad, the Class 4.

Union Springs and Northern railroad, the Tuskegee railroad, the Tombigbee Valley railroad, the Tallassee and Montgomery railroad, the Birmingham Southern railroad and the Mobile and

Bay Shore railroad and the Atlanta, Birmingham and Atlantic railroad.

Classes above may include other railroads when constructed.

Either of the above-mentioned classes shall also include such other railroads, which may hereafter be construed or operated in whole or in part as common carriers in the State, as the Railroad Commission of Alabama may deem proper to place in such class.

When railroad in lower class owned by one of higher class.

Sec. 2. When any railroad which is named in either of the classes designated in section 1 of this act, or which may hereafter be placed in either of said classes, shall own or operate any other railroad in whole or in part of this State, or shall own, directly or indirectly, or control a majority of the stock of any other railroad in whole or in part in this State, such railroad so owned or operated, and such railroad a majority of whose stock is so owned or controlled, shall, if it be in a lower class, that is, allowed to charge a higher rate, than the railroad so owning or operating it or so owning or controlling a majority of its stock, be considered and treated for the purposes of this act as a part of, and in the same class as, the railroad so owning or operating it or so owning or controlling a majority of its stock.

Sec. 3. For the purpose of establishing the maximum rates to be charged by the railroads now operating, or which may hereafter operate, in whole or in part as common carriers, in this State, for the transportation, originating and terminating within the State, of the articles hereinbelow in this section named, the said articles are hereby divided into the following classes: Class 1, class 2, class 3, class 4, class 5, class 6, class A.

Articles.
Classed.

class B, class C, class D, class E, class F, class G, class H, class J, class K, class L, class M, class N, class O, class P, and class R. Each of said articles shall belong to the class to which it is assigned and in which it appears in the following schedule of clasification of freight when offered for shipment in the manner and quantity therein specified.

SCHEDULE OF CLASSIFICATION OF FREIGHT.

	When shipped in less than car-load lots and at carrier's risk.			
	When shipped in less than car-load lots and at owner's risk.			
	When shipped in car-load lots and at carrier's risk.			
	When shipped in car-load lots and at owner's risk.			
	SHALL	BE	IN	
Class.	Class.	Class.	Class.	
1 Agricultural implements, (car load to consist of not less than 20,000 lbs.) ..				
Agricultural implements properly crated or bundled	3	4		6
Barrels, half-barrels and kegs, empty, (car-load to consist of not less than 10,000 lbs.)	E		P	
Beer or ale in wood	2	4	4	E
Fruit (green) apples, peaches, pears, in barrels or boxes		B		O
Fruit (dried) apples, peaches, pears, sacked or crated	4	6	6	C
Bagging, in rolls or bales	B			

Ties, cotton and hay	R				
Barrel and box material, (car-load to consist of not less than 24,000 lbs.)	6		P		
Belting, leather and rubber	3				
Boilers, less than thirty (30) feet, in length	3				
Boilers, thirty (30) feet, and longer, in length	1				
Boilers, sectional	2				
Bran, (car-load to consist of not less than 25,000lbs.)	D		P		
Brick, common fire, (car-load to consist of not less than 40,000 lbs.)	G		P		
Broom corn, in bales (car-load to consist of not less than 14,000 lbs.)	B		D		
Buckets, well and water, of iron or wood	4				
Buckles, iron or steel, for baling cotton, hay, mill product	R				
Cabbage, carloads loose,—less than car-loads crated or packed	3	6	3	6	
Canned Goods, fruit and vegetable— <i>without percentage</i>	5		6		
Cans, empty, syrup, fruit and vegetable		3		5	
Cattle, sheep, hogs, etc.— <i>without percentage</i>	2	4	3	N	
Horses, mules	1	2	2	N	
Cement, in barrels or bags	B		L		
Cement, in bulk				L	
Chert			P	mi-	
			nus	20 %	
Cider, Vinegar and domestic wines, in wood	B		C		
Cider, vinegar and domestic wines, in glass packed	2		4		
Coffee, green in double sacks	6				
Coffee, roasted, in barrels or boxes	5				

SCHEDULE OF CLASSIFICATION OF FREIGHT—Continued.

	SHALL BE IN			
	Class.	Class.	Class.	Class.
	When shipped in less than car-load lots and at carrier's risk.			
	When shipped in less than car-load lots and at owner's risk.			
	When shipped in car-load lots and at carrier's risk.			
	When shipped in car-load lots and at owner's risk.			
Cotton, in bales	J			
Cotton, unginned in bags (car-load to consist of not less than 20,000 lbs.)	2		6	
Cotton, burnt pickings, sweepings, waste, damaged pickings, value of each limited to three cents per pound (Car load to consist of not less than 10,000 lbs.) ...	J		R	
Cotton factory products, rope, yarns, etc., not otherwise specified,— <i>without percentage.</i>	C			
Cotton garments, in bales or cases from factory	5			
Cotton seed, sacked for planting, (Car-load to consist of not less than 10,000 lbs.)	5			

Cotton seed, common	G		P	
Cotton seed hulls, (Car-load to consist of not less than 25,000 lbs.)	G		P	
Domestics, denim sheeting, shirting, ticks, <i>without percentage</i>	6			
Fence, wood and wire, combination, and woven wire	5			
Flour, in barrels, two hundred pounds to the barrel	F			
Flour, in sacks	C			
Furniture, knocked down, crated or wrapped	2	3	3	4
Fowls, dressed and crated or packed	B			
Fowls, alive in coops	1	2	1	N
Mattresses, straw, cotton, shuck, excelsior, moss	3			
Mattresses, wire or woven	1			
Grain	D			
Corn, in ear, less than car-loads sacked; car-loads bulk or sacked	D		N	
Corn, in shuck				
Meal and grain products, in sacks, not otherwise specified	D			
Hay, fodder, straw, in bales, (Car-load to consist of not less than 20,000 lbs.) ...	R		D	
Hides, dry, tied in bundles	4			
Hides, green	5			
Hides, green and salted	6			
Hollow-ware, packed, (Car-load, loose or packed, to consist of not less than 15,000 lbs.)	3		3	
Hollow-ware, loose	1	3		
Hoop iron	C			
Household goods, old furniture, value limited to \$5.00 per hundred pounds, in case				

SCHEDULE OF CLASSIFICATION OF FREIGHT—Continued.

	SHALL BE IN			
	Class.	Class.	Class.	Class.
	When shipped in less than car-load lots and at carrier's risk.	When shipped in less than car-load lots and at owner's risk.	When shipped in car-load lots and at carrier's risk.	When shipped in car-load lots and at owner's risk.
of total loss, packed and each article tagged or marked, (car-load to consist not less than 20,000 lbs.)	1	4	4	6
Ice, prepaid, less than car-loads in casks, bags or barrels; car-load loose	B		L	
Iron and steel, pipe fittings, bridge and railroad girders and beams, bar, band, boiler and jail plates, car wheels and axles, wagon and carriage axles, pipe, rails; spikes, rivets, bolts and washers in kegs; horse and mule shoes in boxes; plow shapes, etc., wires or packed; sheet in bundles	C		M	
Jars, fruit, glass or earthen-ware	3	5		
Laths	B		P	

Lumber	C		P	
Logs, saw logs			P	
Lime, in sacks, casks or barrels	B		L	
Lime, in bulk			L	
Manure, stable, in bulk, (Car-load to consist of not less than 24,000 lbs.)			P	
Marble, granite, stone, rough and dressed, unlettered	C		P	
Molasses, or Syrup, in wood	R			
Oil, coal oil or its products, kerosene, lubricating oil when the product of coal oil, pine in barrels or drums	3	4	3	6
Paper, printing, wrapping, or for the manufacture of bags in rolls or boxes....	B			
Peas, in bags or barrels, (Car-load, in bulk, to consist of not less than 20,000 lbs.)	D		D	
Potatoes, in barrels or sacks—car-load lots in bulk	6	R	6	1)
Roofing, composition felt and paper, in bales or rolls	5		6	
Saddles and harness, in bundles	1			
Salt, in sacks, (Car-load to consist of not less than 20,000 lbs.)	C		O	
Sand, (Car-load to consist of not less than 30,000 lbs.)			P mi-	
			nus 20 %	
Sash, blinds, doors and frames	3	4	B	
Shingles	B		P	
Soap, common, in boxes, including washing compounds	6	R		
Soap stock including cotton seed oil foots, without percentage	R			
Tallow, in barrels or boxes	B			
Tile and drain pipe and roofing (car load to consist of not less than 25,000 lbs.) .	R		P	
Tobacco, plug, in boxes; smoking in boxes	1	3		

SCHEDULE OF CLASSIFICATION OF FREIGHT.—Continued.

	SHALL BE IN			
	Class.	Class.	Class.	Class.
	When shipped in less than car-load lots and at carrier's risk.	When shipped in less than car-load lots at at owner's risk.	When shipped in car-load lots and at carrier's risk.	When shipped in car-load lots and at owner's risk.
Twine, in hanks or bundles	5			
Wagons, or carts, farm or lumber, thoroughly knocked down in any quantity actual wealghts	6			
Wagons or carts, other than farm or lumber (Car-load to consist of not less than 24,000 lbs.)			4	
Melons, freight guaranteed, (Car-load to consist of not less than 24,000 lbs.)	4			P
Wire, common, barbed or otherwise, in coils or reels	6	C		
Bags, cotton, burlap, gunny, or paper	6			

Sec. 4. The maximum rates which shall be charged by any person, company or corporation owning, operating managing or leasing as a common carrier any railroad in whole or in part in this State for the transportation, originating and terminating within the State, for various distances of the articles and various classes of articles named in section 3 of this act are hereby fixed and established as shown by the following schedule of standard maximum freight tariffs and no person, company or corporation owning, operating, managing or leasing such railroad shall charge or receive any higher or greater rates for such transportation of said articles, or classes of articles, or any of them, than the rates named and specified in said schedule of standard maximum freight tariffs for the distances therein specified, except as hereinafter provided:

Maximum rates to be charged fixed.

SCHEDULE OF STANDARD MAXIMUM FREIGHT TARIFFS

DISTANCE IN MILES	Per 100 pounds											Per barrel F	Per 100 lbs.				Per ton.		Per car-load.			Per 100 lb R
	CLASS												CLASS				CLASS		CLASS			
	1	2	3	4	5	6	A	B	C	D	E	G	H	J	K	L	M	N	O	P		
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Dollars & cts.	Dollars & cts.	Dollars & cts.	Dollars & cts.	Dollars & cts.	Cents.
5 miles and under-----	12	11	10	8	7	6	6	6	4½	3½	7	9	2½	8	8	4	\$0.35	\$0.55	\$5.00	\$5.50	\$4.00	4
10 miles and over 5 miles	16	14	13	10	9	8	8	8	5½	5	9	11½	3¼	10	10	5	0.50	0.80	6.50	8.00	5.00	5
15 miles and over 10 miles	18	16	15	12	11	9	9	9	6	5½	11	12½	3¾	12	12	5½	0.55	0.85	7.50	9.00	6.00	5½
20 miles and over 15 miles	20	18	16	14	12	10	10	10	7	6	12	14	5	14	13	6	0.60	0.90	8.00	10.00	7.00	6
25 miles and over 20 miles	22	20	18	16	13	11	11	11	7½	6½	13	15	5½	16	14	6½	0.65	0.95	9.00	11.00	8.00	6½
30 miles and over 25 miles	24	21	19	17	14	11	11	11	7½	6½	14	15	6	17	15	7	0.70	1.00	10.00	11.00	8.00	7
35 miles and over 30 miles	26	23	21	19	15	12	12	12	8	7½	15	16½	6¼	19	16	7½	0.75	1.05	12.00	12.00	9.00	7½
40 miles and over 35 miles	27	24	22	20	16	12	12	12	8	7½	16	16½	6½	20	17	8	0.80	1.10	13.00	12.00	9.00	8
45 miles and over 40 miles	29	26	24	21	17	13	13	13	8½	8	17	17½	6¾	21	18	8	0.85	1.15	14.00	13.00	10.00	8½
50 miles and over 45 miles	30	27	25	22	18	13	13	13	8½	8	18	17½	7	22	19	8	0.90	1.20	14.00	13.00	10.00	9
55 miles and over 50 miles	32	29	26	23	19	14	14	14	9	8½	19	18	7	23	20	8	0.95	1.25	14.00	14.00	10.00	9
60 miles and over 55 miles	33	30	27	24	19	14	14	14	9	8½	19	18	7¼	24	21	9	0.95	1.30	14.50	14.00	11.00	10
65 miles and over 60 miles	35	32	28	25	20	15	15	15	9½	9	20	19	7¼	25	22	9	1.00	1.35	15.50	15.00	11.00	10
70 miles and over 65 miles	36	33	29	26	20	15	15	15	9½	9	20	19	7½	26	22	9	1.00	1.40	16.00	15.00	11.00	11
75 miles and over 70 miles	38	35	30	27	21	16	16	16	10	9½	21	20	7½	27	23	9½	1.05	1.45	16.50	16.00	12.00	11
80 miles and over 75 miles	39	36	31	28	21	16	16	16	10	9½	21	20	7½	28	23	9½	1.10	1.50	17.00	16.00	12.00	12
85 miles and over 80 miles	41	37	32	29	22	17	17	17	11	10	22	21½	7½	29	24	9½	1.15	1.55	17.50	17.00	13.00	12
90 miles and over 85 miles	42	38	33	29	22	17	17	17	11	10	22	21½	8	29	24	9½	1.15	1.60	18.00	17.00	13.00	13
95 miles and over 90 miles	44	39	34	30	23	18	18	18	11½	11	23	23	8	30	25	10	1.20	1.65	19.00	17.00	14.00	14
100 miles and over 95 miles	45	40	35	30	23	18	18	18	11½	11	23	23	8¼	30	25	10	1.20	1.70	20.00	17.00	14.00	14
110 miles and over 100 miles	48	42	37	31	24	19	19	19	12	11	24	23	8½	31	26	10	1.25	1.80	21.00	18.00	14.00	15
120 miles and over 110 miles	51	44	39	32	25	20	20	20	13	12	25	24	8½	32	27	10½	1.30	1.90	23.00	18.00	15.00	16
130 miles and over 120 miles	54	46	41	33	26	21	21	21	13	12	26	25	8¾	33	28	10½	1.35	2.00	24.00	19.00	16.00	17
140 miles and over 130 miles	57	48	43	34	27	22	22	22	13	12	27	26	9	34	29	11	1.40	2.10	25.00	20.00	17.00	18

160 miles and over 150 miles	62	52	46	36	29	24	24	24	14	15	29	29	9 3/4	36	31	12	1.00	2.25	21.00	20.00	11.00	15
170 miles and over 160 miles	64	54	47	37	30	25	25	25	15	14	30	31	9 1/4	37	32	12	1.70	2.30	28.00	21.00	18.00	19
180 miles and over 170 miles	66	56	48	38	31	26	26	26	15	14	31	31	9 1/2	38	33	12	1.80	2.35	29.00	21.00	19.00	20
190 miles and over 180 miles	68	58	49	39	32	27	27	27	16	15	32	33	9 1/2	39	34	13	1.90	2.40	29.50	22.00	19.00	20
200 miles and over 190 miles	70	60	50	40	32	27	27	27	16	15 1/2	32	33	9 3/4	40	35	13	2.00	2.45	30.00	22.00	20.00	20
210 miles and over 200 miles	71	62	51	41	33	28	28	28	17	16	33	34	9 3/4	41	36	13	2.10	2.50	31.00	23.00	20.00	21
220 miles and over 210 miles	72	64	52	42	33	28	28	28	17	16	33	34	10	42	37	14	2.20	2.55	31.50	23.00	21.00	21
230 miles and over 220 miles	73	66	53	43	34	29	29	29	18	17	34	36	10 1/4	43	38	14	2.30	2.65	32.00	23.00	21.00	21
240 miles and over 230 miles	74	68	54	44	34	29	29	29	18	17	34	36	10 1/2	44	39	14	2.40	2.65	33.00	24.00	22.00	22
250 miles and over 240 miles	75	70	55	45	35	30	30	30	19	18	35	38	10 1/2	45	40	15	2.50	2.75	33.50	24.00	22.00	22
260 miles and over 250 miles	76	71	56	46	35	30	30	30	19	18	35	38	10 1/2	46	41	15	2.60	2.75	34.00	24.00	22.00	22
270 miles and over 260 miles	77	71	56	46	36	31	31	31	20	19	36	40	10 1/2	46	42	15	2.70	2.85	34.50	25.00	23.00	22
280 miles and over 270 miles	78	72	57	47	36	32	32	32	20	19	36	40	10 1/2	47	43	16	2.80	2.85	35.00	25.00	23.00	23
290 miles and over 280 miles	79	72	57	47	37	32	32	32	21	19	37	42	10 1/2	47	44	16	2.90	2.95	36.00	25.00	24.00	23
300 miles and over 290 miles	80	73	58	48	38	33	33	33	21	19	38	42	11	48	45	16	2.95	3.00	36.50	26.00	24.00	23
310 miles and over 300 miles	81	73	58	48	38	33	33	33	21	19	38	42	11	48	46	17	3.05	3.10	37.00	26.00	24.00	23
320 miles and over 310 miles	82	74	59	49	39	34	34	34	21	20	39	42	11	49	47	17	3.05	3.20	38.00	26.00	24.00	24
330 miles and over 320 miles	83	74	59	49	39	34	34	34	22	20	39	44	11	49	48	17	3.15	3.30	38.50	27.00	25.00	24
340 miles and over 330 miles	84	74	59	49	39	34	34	34	22	20	39	44	11	49	49	17	3.15	3.40	39.00	27.00	25.00	24
350 miles and over 340 miles	85	75	60	50	40	35	35	35	23	21	40	46	11	50	50	17	3.28	3.50	40.00	27.00	25.00	24
360 miles and over 350 miles	85	75	60	50	40	35	35	35	23	21	40	46	11 1/2	50	51	17	3.28	3.50	40.00	27.00	25.00	24
370 miles and over 360 miles	85	75	60	50	40	35	35	35	23	21	40	46	11 1/2	50	52	17	3.28	3.50	40.00	27.00	25.00	24
380 miles and over 370 miles	88	76	61	51	41	36	36	36	25	23	41	50	11 1/2	52	53	18	3.41	3.60	41.00	29.00	27.00	26
390 miles and over 380 miles	88	76	61	51	41	36	36	36	25	23	41	50	11 1/2	52	54	18	3.41	3.60	42.00	29.00	27.00	26
400 miles and over 390 miles	88	76	61	51	41	36	36	36	25	23	41	50	11 1/2	52	55	18	3.41	3.60	42.00	29.00	27.00	26
410 miles and over 400 miles	91	77	62	52	42	37	37	37	26	24	42	52	11 1/2	54	56	19	3.54	3.70	44.00	31.00	29.00	28
420 miles and over 410 miles	91	77	62	52	42	37	37	37	26	24	42	52	11 1/2	54	57	19	3.54	3.70	44.00	31.00	29.00	28
430 miles and over 420 miles	91	77	62	52	42	37	37	37	26	24	43	52	11 1/2	54	58	19	3.54	3.70	44.00	31.00	29.00	28
440 miles and over 430 miles	94	78	63	53	43	38	38	38	27	25	43	54	11 1/2	56	59	20	3.67	3.80	46.00	33.00	31.00	30
450 miles and over 440 miles	94	78	63	53	43	38	38	38	27	25	43	54	11 1/2	56	59	20	3.67	3.80	46.00	33.00	31.00	30
Class -----	1	2	3	4	5	6	A	B	C	D	E	F	G	H	J	K	L	M	N	O	P	R

Provided, that where the shipment shall pass over the whole or part of two or more independent roads, the maximum rate to be charged on such shipment shall not be greater than the sum of the local rate for each road on such shipment for the distance hauled over each road, less twenty (20) per cent.

Provided, further, that railroads in class two may add twenty (20) per centum to the rate named in this act on all classes of freight except Classes B, C, D, F, J, K, L, M, P and R.

Provided, further, that railroads in Class three may add twenty-five per centum to the rates named in this act on all classes of freight except classes B, C, D, F, J, K, L, M, P, and R.

Provided further, that railroads in class four may add fifty (50) per centum to the rates named in this act on all classes of freight except classes C, D, F, J, L and P.

Provided further, that where articles are classified in said schedule of classification of freight in section 3 of this act as "without percentage," then no more than the standard maximum rate named on said articles can be charged by any railroad.

The maximum rates which shall be charged by any railroad for the transportation, originating and terminating within this State, of fertilizers, in bulk or bags, cotton seed meal, cotton seed ashes or oil cake, without per centage, (car load to consist of not less than 30,000 pounds) for the distances herein below specified shall be as follows per ton of 2,000 pounds, when shipped in car load lots at carrier's risk, and no railroad in any class shall be allowed to charge any higher or greater rate:

For 5 miles and under, 40 cents.

10	"	"	over 5 miles	40 cents.
15	"	"	" 10	" 50 "
20	"	"	" 15	" 60 "
25	"	"	" 20	" 70 "
30	"	"	" 25	" 75 "
35	"	"	" 30	" 75 "
40	"	"	" 35	" 75 "
45	"	"	" 40	" 75 "
50	"	"	" 45	" 75 "
55	"	"	" 50	" 75 "
60	"	"	" 55	" 75 "
65	"	"	" 60	" 75 "
70	"	"	" 65	" 75 "
75	"	"	" 70	" 75 "
80	"	"	" 75	" 80 "
85	"	"	" 80	" 85 "
90	"	"	" 85	" 90 "
95	"	"	" 90	" 95 "
100	"	"	" 95	" \$1.00
105	"	"	" 100	" \$1.05
110	"	"	" 105	" \$1.10
115	"	"	" 110	" \$1.15
120	"	"	" 115	" \$1.20
125	"	"	" 120	" \$1.25
130	"	"	" 125	" \$1.30
135	"	"	" 130	" \$1.35
140	"	"	" 135	" \$1.40
145	"	"	" 140	" \$1.45
150	"	"	" 145	" \$1.50

And for any distance over 150 miles, one cent per ton per mile. For one ton or more less than a car load, twenty per cent (20) may be added to the rates above specified and provided for.

Sec. 5. Where the term "without percentage" is used in connection with the classification of any articles in the schedule of classification of freight in section 3 of this act, then all railroads in classes one, two, three and four, or which may hereafter be placed in either of said classes, shall

Amount charged when term "without percentage" is used.

charge for the transportation of said articles not more than the maximum rate named for such articles.

Railroad commission may change classification of railroads. Sec. 6. The Railroad Commission of Alabama is hereby authorized to change the classification of railroads provided for in section 1 of this act from time to time as changed conditions may in its judgment, require, by taking a railroad from one class and placing it in another, and to assign to any class it may determine any new railroad that may hereafter be constructed or operated as a common carrier in whole or in part in this State.

Change classification of articles. Sec. 7. The Railroad Commission of Alabama is hereby authorized to change the classification of articles prescribed in section 3 of this act when in its judgment it is reasonable and just so to do; provided, that such change shall not increase the maximum standard rate prescribed in section four of this act for the transportation of such articles or class of articles.

How provisions of act enforced. Sec. 8. The Railroad Commission of Alabama is hereby charged with the enforcement of the provisions of this act and shall use all the powers granted to it by law to prevent and punish any violations thereof by the railroads of the State.

Effect. Sec. 9. This act shall go into effect and be operative at the expiration of thirty days after its approval by the governor of the State.

Repeal. Sec. 10. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved March 2, 1907.

No. 156.)

AN ACT.

(H. 665.)

To prescribe rules and regulations relating to demurrage and car service and charges therefor and the respective rights, duties, obligations, liabilities and remedies of common carriers by rail and shippers and consignees with respect

to the furnishing of empty cars and the transportation and delivery of freight and delay of shippers and consignees in the loading and unloading of cars and the receiving of freight and charges for such delay.

Section 1. *Be it enacted by the Legislature of* ^{Application}
Alabama, That when a shipper or consignee ^{for cars.}
 makes a written application to a railroad company for a car or cars, to be loaded with any kind of freight embraced in the tariff of said company, stating in said application the character of the freight, and its final destination, it shall be the duty of the railroad company to furnish the same at loading point or points if the number of cars ^{Railroad com-}
 be three or less within two days from seven ^{pany to fur-}
 o'clock a. m. of the day following such applica- ^{nish same;}
 tion; if the number required be more than three ^{number of}
 and less than ten, within five days; and if the ^{cars and time}
 number be more than ten and not more than ^{for furnishing}
 twenty-five, within ten days from seven o'clock a. m. of the day following the date of such application: but the railroad company shall not be required to furnish more than twenty-five cars to any one shipper at any one time and place. When the shipper making such application specifies a future day on which he desires to make a shipment, giving notice thereof for not less than the number of days specified above, computing from seven o'clock a. m. of the day following such application, the railroad company shall furnish such car or cars on the day or days specified in such application. For failure to comply with the provisions of this section the company so offending shall forfeit and pay to the shipper applying, the sum of one dollar per car, per day, for each day or fraction of a day, of delay after the expiration of free time, in furnishing said cars, ^{Penalty for}
 upon demand in writing made within sixty days ^{failure to com-}
 thereafter by the shipper; provided, the total ^{ply with}
 forfeiture shall not exceed ten dollars for each ^{section.}
 car, the applicant may require the agent or officer with whom the application is filed

May demand receipt.

Free time allowed for accidents, etc.

Duty of railroads to receive freight when tendered.

Number of miles per day freight to be carried.

Penalty for failure.

Time allowed for transferring or re-handling freight.

Total forfeiture.

to give a written receipt for the application stating the time of the receipt of the application, and any agent or officer who fails or refuses to give the receipt herein provided for shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred (\$500.00) dollars. Provided, that if the railroad company shall be delayed in furnishing the cars applied for by an act of God or by any accident on the road or by a strike, the delay thus caused shall be added to the free time allowed herein for the furnishing of said cars.

Sec. 2. When freight in car loads or less is tendered to a railroad company and correct shipping instructions given, the railroad agent must immediately receive the same for shipment and issue bills of lading therefor, and whenever such shipments have been so received by any railroad company, they must be carried forward at the rate of not less than fifty (50) miles per day of twenty-four hours, computing from seven o'clock a. m. of the day following receipt of shipment, and for failure to receive and transport to their destination such shipments within the time prescribed, the railroad company so offending shall forfeit and pay to the shipper, or consignee, according to whose interest is affected by the delay, the sum of one dollar per car for each day, or fraction of a day of delay beyond the free time allowed on all carload freight, and one cent per hundred pounds per day, or fraction thereof, of delay on freight in less than carloads, with minimum charge of five (5) cents for any one package, upon demand in writing by the shipper or consignee, whose interest is affected by such delay; provided, that in computing the time of freight in transit, there shall be allowed twenty-four hours at each point where transferring from one railroad to another, or rehandling of freight, is involved; provided, further, that the total forfeiture shall not exceed ten dollars (\$10.00) on consignments not in excess of a car load, and that the total forfeiture for each car shall not exceed

ten dollars (\$10.00). Provided, further, that the period during which the movement of freight is suspended on account of accident, or any cause not within the power of the railroad company to prevent, and not due to any negligence of the railroad company or that of its employees, shall be added to the free time allowed in this section, and counted as additional free time.

Free time allowed for accidents.

Sec. 3. Railroad companies shall, within twenty-four hours after arrival of shipment, give notice, by mail or otherwise, to consignee of the arrival of shipments together with the weight and amount of freight charges due thereon; and where goods or freight in car load quantities arrive, such notice shall contain the date and hour the car arrived, also identifying numbers, letters, and initials of the car or cars, and if such goods or freight are transferred to other car or cars in transit, the number and initials of the cars in which originally shipped. Any railroad company failing to give such notice within the time required by this section shall forfeit and pay to the shipper, or consignee, whose interest is affected, the sum of one dollar (\$1.00) per car per day, for each day or fraction of a day of delay in giving such notice on all carload shipments, and one (1) cent per hundred pounds per day, for each day or fraction of a day of such delay, on freight in less than car loads, with minimum charge of five (5) cents for any one package, after the expiration of said twenty-four hours; provided, that not more than one dollar (\$1.00) per day, and not more than a total of ten dollars (\$10.00) shall be charged for any one consignment not in excess of a car load, and that the total forfeiture shall not exceed ten dollars (\$10.00) for each car.

Duty of railroads upon arrival of shipment.

What notice must contain.

Penalty for failure.

Amount of total forfeiture.

Sec. 4. Railroad companies shall deliver freight at their depots or warehouses, or, in case of shipment for track delivery, shall place loaded cars at an accessible place for unloading within twenty-four hours after arrival, computing from seven o'clock a. m. the day following the arrival

Duty of railroads in placing freight to be unloaded.

Penalty for failure.	of same. Except that car load shipments for track delivery at local stations having not more than one team track, shall be placed at an accessible point for unloading by the conductor of the train on which the car arrived. For failure to comply with the provisions of this section the railroad company shall forfeit and pay to the shipper or consignee, according to whose interest is affected by the delay, one dollar (\$1.00) per day, for each day or fraction of a day such delivery is so delayed; provided, however, that the total forfeiture shall not exceed ten dollars (\$10.00) for each car.
Total forfeiture.	
Car load freight subject to demurrage charges.	Sec. 5. All car load freight, or freight carried at car load rates, and all freight in cars whether full car load or not, taking track delivery, shall be subject to the demurrage, or car service charges prescribed in this act.
Time allowed shipper for loading.	Sec. 6. A shipper, on whose order a car or cars have been placed for loading, shall be allowed forty-eight hours for the loading of such car or cars, computing time from seven o'clock a. m. the day after such car or cars have been placed, subject to the order of the shipper, and thereafter a demurrage charge of not more than one dollar (\$1.00) per car per day, or fraction of a day, of delay, may be assessed and collected on all such cars as have not been tendered to the railroad company with shipping instructions within said forty-eight hours, provided, however, that should the shipper fail to begin loading within forty-eight hours after the expiration of free time the railroad company shall consider the car or cars released and may assess and collect two dollars (\$2.00) on each car, covering the demurrage then due, provided, further, that the total forfeiture shall not exceed ten dollars (\$10.00) for each car. Railroad companies shall not be compelled to furnish cars for future shipments to parties in default or arrears as to the payment of the demurrage charges herein last provided for, until such demurrage charges have been paid. If, after placing the car or cars required by this act,
Demurrage charges.	
Failure to begin loading.	
Total forfeiture.	
Not required to furnish cars to parties in arrears.	

the railroad company shall, during or after free time, temporarily remove all or any of them, or in any way prevent, obstruct or delay the loading of same, the shipper shall not be chargeable with the delay caused thereby. When, by reason of delay or irregularity on the part of the railroad company in filling orders, cars are bunched in excess of the ability of the shipper to load, the shipper shall be allowed separate and distinct periods of free time within which to load the car or cars specified in each separate application.

If cars moved temporarily by railroad.

In case cars are bunched.

Sec. 7. A car or cars detained or held at a point of shipment for want of proper shipping instructions, or by reason of imperfect or excessive loading, where loading is done by shipper, shall be subject to a demurrage charge of one dollar (\$1.00) per car per day, or fraction of a day beyond the free time said car or cars are so detained or held. In case of imperfect or excessive loading, the shipper shall be notified thereof as early as practicable after said car or cars have been received from him, in which case the above car service charges shall begin from the time of notification if the free time has expired. Provided, however, that the total charge or forfeiture shall not exceed ten dollars (\$10.00) for each car.

Imperfect shipping instructions; demurrage.

Shipper to be notified.

Total forfeiture.

Sec. 8. Legal notice, as referred to in this act, may be either actual or constructive. Where the consignee or his agent is personally served with notice of the arrival of freight at or before six p. m. of any day, free time begins at seven o'clock a. m. on the day after such notice has been given. Constructive notice referred to consists of posting notice by mail to consignee. Where this mode of giving notice is adopted there shall be twenty-four hours additional free time; from the time said notice is mailed; provided, however, that when in any case where notice of arrival is given by mail, the consignee shall make oath that neither he, his agent, nor employees have received such notice, then he will be held not to have received legal notice by reason of posting of said notice by mail.

Legal notice; what is.

Free time allowed.

Package
freight subject
to storage
charges.

Amount of
same.

Total charge.

Loaded covered
cars of fertili-
zer, hay, coal,
coke, brick,
etc., subject to
demurrage
charge.

Total forfei-
ture.

Sec. 9. All package freight unloaded by railroad companies in their depots or warehouses, which is not removed by the owners thereof from the custody of the railroad company within forty-eight hours, computing from seven o'clock a. m. of the day following legal notice of arrival may be subject to a charge for storage for each day, or fraction of a day, it may remain in the custody of the railroad company, as follows: In less than car loads, not more than one (1) cent per hundred pounds per day, or fraction thereof; in car load quantities, not more than ten cents per ton of 2,000 pounds per day or fraction thereof, but not exceeding one dollar per car load per day, or fraction of a day; provided, that in no case shall the amount so charged or collected for storage of less than a car load shipment exceed the amount authorized to be charged as storage or demurrage on a car load of similar freight for the same length of time when not unloaded from car as provided by the demurrage provisions in this act prescribed; and provided further that the total charge shall not exceed ten dollars for each car load, nor ten dollars on consignment not in excess of a car load.

Sec. 10. Loaded cars containing fertilizer, hay, coal, coke, brick, and lumber in covered cars, and the following articles in bulk: meat, potatoes, grain and grain products, cotton seed, cotton seed meal, and cotton seed hulls, taking track delivery, which are to be unloaded by consignee, but are not unloaded within seventy-two hours, computed from seven o'clock a. m. the day following the day legal notice of arrival is given (having been placed at the accessible point designated by consignee for unloading), may be subject thereafter to a charge for demurrage of one dollar per car for each day or fraction of a day, beyond the free time that they may remain loaded in possession of the railroad company; provided, that the total charge or forfeiture shall not exceed ten dollars (\$10.00) for each car. All other loaded cars, taking track delivery, to be

unloaded by consignee, shall be limited to forty-eight hours of free time; provided, however, that if, after placing a car or cars as required in this act, the railroad company shall during or after free time, temporarily remove all or any of them, or in any way obstruct the unloading of same, the consignee shall not be chargeable with the delay caused thereby. Provided, that when, on account of delay or irregularity in transportation, cars are bunched in transit and delivered to consignee in numbers beyond his reasonable ability to unload within the free time prescribed in this act, he shall be allowed by the carrier such additional time as may be necessary to unload cars so in excess by the exercise of due and usual diligence on the part of consignee and based on consignees average discharge in past.

Free time for other loaded cars.

If cars temporarily removed by railroad.

When cars bunched in delivery.

Sec. 11. Whenever the weather during the period of free time is so severe, inclement, or rainy that it is impossible or impracticable to secure means of loading or unloading freight, or when, from the nature of the goods, loading or unloading, would cause injury or damage, such time shall be added to the free period, and no demurrage charges shall be allowed for such additional free time. This section applies to the state of the weather during business hours.

Weather conditions.

Sec. 12. A consignor or consignee three miles or more from the depot, and whose freight is destined to or from his place of business or residence so located, shall not be subject to storage or demurrage charges allowed in the foregoing sections until a sufficient time has elapsed after notice for said consignee or consignor to remove or load said goods by the exercise of ordinary diligence. The time limit for unloading shall not be less than four days nor more than six days from the date notice is given.

When parties reside away from depot when not subject to demurrage charges.

Time for unloading allowed.

Sec. 13. On car load freight originating in Alabama, and shipped on local bills of lading to a terminal point at a port within this State, for export, there shall be allowed ten days free time, computing from seven o'clock a. m. the day after

Free time on carload freight to a terminal point at a port for export.

Incoming car-load freight.

arrival of car or cars, before application of storage or demurrage charges.

Sec. 14. Incoming car load freight, coming under the provisions of section 11 and 12, may be stored by railroad companies in depots or warehouses at the expense of the owner, if same is not removed before demurrage charges attach; provided, that the daily or total storage charges on such freight shall not exceed the demurrage allowed under this act.

When consignee refuses to accept freight in pursuance of bill of lading.

Sec. 15. If the consignee shall refuse to accept freight tendered in pursuance of the bill of lading, the carrier charged with the duty of delivery shall at once give notice to the consignor of such refusal; and if said consignor shall not, within four days thereafter, give direction for the re-shipment or unloading, or other disposition of

Liable to carrier for storage or demurrage.

such goods, he shall thenceforth become liable to such carrier for storage on such goods, or demurrage upon the car or cars in which they are stored, to the same extent, and at the same rates as such charges are now under like circumstances, by the provisions of this act, imposed upon consignees who neglect or refuse, after notice of arrival to remove freight of like character

Consignee once refusing not entitle to receive same until all charges paid.

from the depots or cars of a carrier. A consignee who has once refused to accept a consignment of goods shall not thereafter be entitled to receive the same, except upon payment of all charges for storage or demurrage which have accrued; and if the consignee, of freight in car loads or less than car loads, shall fail or neglect to remove such freight within three days after the expiration of free time, then the carrier shall, through the agent at point of shipment, so notify the shipper, unless the consignee has signified his acceptance of the property. Said notice may be served personally or given by mail.

When consignee fails or refuses to remove after free time.

Manner of serving notice.

When goods shipped consigned to order but name of person expressed in bill of lading.

Sec. 16. When consignors ship goods consigned to order, but express in their bills of lading or shipping directions the name of a person at destination to be notified, it shall be the duty of the railroad or other transportation company, to give

notice to such party in some way, as if the shipment had been made direct to him. But when consignors do not designate the name of the person to be notified, the railroad, or other transportation company shall give such notice only to such consignors; except that in shipments of grain or hay, notice shall also be given to the local exchanges; provided, that at the expiration of free time the carrier shall give notice thereof to the consignor.

Sec. 17. Railroads shall not discriminate between persons or places in storage or demurrage charges. No rebate, drawback or other similar device shall be allowed.

Railroad not to discriminate between persons or places.

Sec. 18. No demurrage shall be charged on private cars standing on private tracks, when both cars and tracks are owned by the same person. When the cars are not owned by the owners of the tracks no demurrage shall be charged; provided the person owning the tracks shall furnish to the delivering railway satisfactory evidence that the owners of the cars releases both him and the delivering road from the payment of demurrage.

Demurrage not chargeable on private cars and private tracks.

Sec. 19. Nothing in the foregoing rules shall be construed to prohibit railroad companies from contracting with shippers and consignees on terms of mutual convenience in the matter of furnishing and discharging cars; provided, that such contracts shall be so drawn as to give to either party the right to cancel the same on ten days after notice, and thereafter demand the application of this act.

Contracts on terms of mutual convenience allowed.

Right to cancel same.

Sec. 20. In all computations of time under the provisions of this act, Sundays and legal holidays shall be excluded.

In computing time Sundays and legal holidays excepted

Sec. 21. Nothing in this act shall be so construed as to bar or prevent any shipper or consignee from recovering from any railroad company, in addition to the penalties herein prescribed, such actual damages as he may have sustained by reason of any violation of the provisions of this act by such company.

Right to recover actual damages.

When cars delivered to switching or belt line; demurrage charges incurred.

Sec. 22. In all cases where a car or cars, loaded or empty, shall be delivered by any carrier to any switching line or belt line for transfer to the shipper or consignee, if any demurrage charge or other charge or forfeiture shall be incurred by or in favor of either the shipper or consignee or the common carrier, by reason of any fault, negligence or delay on the part of such switching line or belt line, said switching line or belt line shall forfeit and pay to the shipper or consignee, according to whose interest is affected, such sum as said shipper or consignee shall pay to said carrier under the provisions of this act, as a demurrage or other charge, and shall forfeit and pay to such carrier such sum as it shall be required to pay, under the provisions of this act, to such shipper or consignee.

Manner of recovering charge or forfeiture incurred.

Sec. 23. Any charge or forfeiture incurred by any carrier, including any switching line or belt line, in favor of any shipper or consignee, under the provisions of this act, may be recovered in an action of assumpsit or debt, or under a court claiming the same in a complaint in any suit to recover such damages as he may have sustained by reason of any violation of the provisions of this act. If any shipper or consignee shall before suit commenced, and within sixty days after any such charge or forfeiture in his favor has been incurred, file a written claim, verified by affidavit, for such charge or forfeiture with any officer, manager, superintendent, freight agent or station agent of the carrier against which the claim was incurred, and if within sixty days after the filing of said claim, the same shall not be adjusted and paid by said carrier, then the amount of the charge or forfeiture recoverable against said carrier and for which it shall be liable shall be three fold the amount prescribed in this act. Provided the proof shows that the claim filed as aforesaid was not for more than the shipper was entitled to under the provisions of this act.

Sec. 24. Any person, firm, company or corporation who shall make such application to any common carrier by rail for, and shall procure from such common carrier any number of cars without a bona fide intention to use the same for the transportation of freight shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars for each offense.

Sec. 25. Any car of freight shipped from Mobile by steamer, sail, or other water craft, destined for a port outside the State of Alabama shall constitute an export shipment and entitle shipper to export time limit, as defined by this act.

Sec. 26. This act shall go into effect immediately upon its approval.

Approved February 28, 1907.

No. 159.)

AN ACT.

(H. 468.)

To provide for the payment of interest on the fund in the State treasury, the proceeds of lands sold by the "Alabama Girls' Industrial School." Whereas, the congress of the United States granted to the State of Alabama twenty-five thousand acres of land, upon condition

1. "That the proceeds of said lands, when sold or leased shall forever remain a fund for the use of the "Alabama Girls' Industrial School," and the State of Alabama accepted the grant upon that express condition; and by law authorized the sale of the lands and required the proceeds thereof to be paid into the State treasury, and bound the State, to pay to the school, interest, quarterly on all of this fund at the rate of six per cent. per annum; and there have been paid into the treasury on different dates from Nov. 18, 1902, various sums now amounting to \$36,556.68 and no interest has

ever been paid to the school on any of this fund, therefore;

When and to
whom interest
paid.

Section 1. *Be it enacted by the Legislature of Alabama:* That on the 31st of March, 1907, there shall be paid to the treasurer of the school, on the order of the president of the school, approved by the governor, the first amount of interest, computed at the rate of six per cent per annum, on the several amounts of this fund from the respective dates upon which they were severally paid into the State treasury up to March 31st, 1907, and thereafter on the last day of every quarter there shall be paid to the treasurer of the school in like manner, interest at the rate of six per cent per annum on the whole amount of the fund in the treasury at the close of the quarter, computing interest on any sum paid in, during the quarter.

Proceeds of
land sold to be
paid into State
treasury.

Sec. 2. That the full amount of the proceeds of all lands sold, or leased, shall hereafter be paid into the State treasury and the school shall, out of the money appropriated by the State for the maintenance of the school, pay all the expenses of caring for, protecting and selling the lands.

Approved February 28, 1907.

No. 162.)

AN ACT.

(H. 250.

To aid and encourage technical education in the State of Alabama, the providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute.

Amount appro-
priated for
technical edu-
cation.

Section 1. *Be it enacted by the Legislature of Alabama,* That there is hereby appropriated to the Alabama Polytechnic Institute in order to aid and encourage technical education in the departments of the sciences that relate to agricultural, mechanic and textile arts, the sum of fifty-six thousand and five hundred dollars annually

for the years 1907, 1908, 1909, 1910, and that the funds thus appropriated by the act shall be paid out of any funds in the treasury of the State not otherwise appropriated.

Section 2. That no portion of the funds appropriated by this act shall be used to pay the salary, or the part of the salary of any person, but that the entire amount shall be expended under the direction of the trustees of said institute to erect buildings and to purchase the equipment and appliances and to increase the facilities needed to give more complete instruction in the technical departments, of the sciences that relate to agriculture, mechanic and textile arts and to other industrial arts and to provide additional accommodations for the students and instructors at said Alabama Polytechnic Institute. Provided that seventy-five thousand dollars of said funds appropriated, shall be applied to the erection and equipment of an agricultural building. And further that forty thousand dollars shall be expended for a mechanical and textile building.

Not to be used for payment of salary of any person.

How used.

Section 3. That the amounts herein appropriated shall be paid on the warrants of the treasurer of the Alabama Polytechnic Institute, to be drawn as directed by the trustees of said institute upon the approval of the Governor; provided such warrants shall be drawn only for amounts to meet the liabilities actually incurred under the provisions of this act, as shall be shown by due certification to the governor by the president of the Alabama Polytechnic Institute.

Manner of paying same.

Approved March 2, 1907.

No. 163)

AN ACT.

(H. 423.)

To appropriate annually \$67,000.00 or so much thereof as is necessary, to aid rural school districts in the State to erect or to repair public school houses.

Appropriation; from what fund.

Section One. *Be it enacted by the Legislature of Alabama:* That the sum of \$67,000.00 annually or so much thereof as is necessary be and the same is hereby appropriated out of the proceeds arising from the sale of fertilizer tags by the commissioner of Agriculture and industries for the purpose of aiding in the erection or the repairing of rural school houses in this State. The said appropriation to be used, disbursed and apportioned as hereinafter provided and set forth; provided that not more than \$1,000.00 of this appropriation shall be used or paid out in any one county of this State in a separate fiscal year.

Purposes of

Conditions on which to be paid.

Section 2. That whenever the district trustees of any school, district in this State, no part of which lies in an incorporated city, town or village, shall show to the satisfaction of the county superintendent of education of the county in which such district lies that they as such have secured bona fide donations or subscriptions made by solvent and reliable persons to the amount of not less than \$100.00 (the same to be discharged either by payment in money or in suitable building materials) for the purpose of building a school house or for the repairing of a public school house in said district and shall make application to said county superintendent of education to receive the benefits of this act, the county superintendent of education shall file such application and make a memorandum or record of the same and shall submit all such applications to the county board of education for the consideration of said board as hereinafter provided. The county board of education shall at any regular or called meeting carefully consider and investigate all applications filed with the county super-

Duty of county board.

intendent having in view the educational interests of their county and the districts making such application, as well as the pecuniary conditions of the people and patrons of each of the districts making application and the advisability and necessity of the erection or the repairing of said school houses. And after a full investigation of each of the said applications, the county board of education shall approve such of the same as shall seem just and necessary, giving preference to the most needful, and the said board shall make or cause to be made a note or memorandum on the record of their proceedings showing the applications that were approved by them, the amount of the donation or subscription secured by each district whose application is approved, and the amount of money which the board recommends to be given to such district out of the appropriation herein made to be distributed in the county under this act; provided that the amount so recommended for such district in the discretion of the board shall in no case exceed the amount secured by donation and subscription and the total for any school house in no case shall exceed \$200.00 and; provided further that no appropriation shall be made for the building of a school house unless said school house is built in accordance with the plans and specifications either furnished by or endorsed by the superintendent of education of the State.

Section Three. That the board of education in each county shall certify to the superintendent of education of this State, a statement in writing showing the county from which it comes, and each school district in the county, designating the same by its number or other proper name, the application of which for the benefits of this act, has been approved by said board and the amount or sum of money recommended by said board to be given to each of said districts out of appropriation made by this act to aid in the erection or repair of the public school house for such district; and said

Duty of county board of education to certify to State superintendent of education.

State superin-
tendent re-
quests auditor
to draw war-
rant.

Auditor to
draw warrant.

Warrant deliv-
ered to State
superintend-
ent.

County super-
intendent re-
ceipts State su-
perintendent
for warrant.

statement shall be signed by the county superintendent of education and shall give the post office address of such superintendent. And upon the receipt of said statement by the superintendent of this State, he shall request the State auditor to draw his warrant on the State treasurer for the sums or amounts of money as required by this act, and shall lay before the State auditor said statements, and give him such information thereto as he may possess. And upon it shall be the duty of the State auditor, and he is hereby directed and required, to draw his separate warrant on the State treasurer for the amount of money to be given to each school district, as shown by said statement and he shall make each of said warrants payable to the county superintendent of education of the county wherein such districts are situated, and shall indicate thereon for the benefit of what public school district the same is issued (stating the county and number or name of the district), and that the same is given by the State to aid in the erection or repair of a public school house. Said warrants shall be delivered to the superintendent of education of this State and receipted for by him and he shall forward the same to the different county superintendent of education as the same are payable. The said statements from which said warrants are made up shall be delivered or returned to the superintendent of education of this State by the State auditor, after he has had the use of same in the issuance of said warrants, and shall be safely kept in the office of the superintendent of education of this State. Provided no money shall be appropriated for the erection of a new school building on a plat of ground of less dimensions than two acres.

Section Four. That upon the receipt of said warrants by the county superintendent of education, he shall sign and return to the superintendent of education of this State, a receipt for the same, said receipt to be made out by the superintendent of education, and that whenever it shall be shown to the satisfaction of the county super-

intendent of education that the erection or repair of a public school house in a public school district for the benefit of which he holds a warrant, has been commenced and that the amount of subscription secured by said district has been collected and is in the hands or possession of its trustees and that a deed has been properly executed conveying to the State of Alabama for the benefit of said district the lot or parcel of land on which said public school house is being erected or repaired, and after such deed is delivered to and accepted by him for said board he shall indorse and deliver to the district trustees of such district said warrant, and the amount or sum of money named in the same shall be paid to said trustees or to their successors in office or assigns by the State treasurer out of the amount, hereby and herein appropriated, out of the treasury of the State. The county superintendent of education shall take a receipt for said warrant from said district trustees on a blank to be furnished him by the superintendent of education of this State, in duplicate and one of said receipts shall be forwarded to the superintendent of education of this State and the other kept by the county superintendent of education.

Duty of county superintendent before delivering warrant.

Receipt taken by county superintendent.

Section Five. That the superintendent of education of this State shall, in a book kept by him for that purpose open an account with each county in this State and shall charge against said county the amount of each warrant issued under section three of this act for the benefit of any of the public school districts of such county; provided, that if any of said warrants are not delivered by the county superintendent of education by reason of the failure on the part of a district to comply with the requirements of Section 4 of this act, the same shall, after the lapse of six months from the receipt of the same by the county superintendent of education, be by him returned to the superintendent of education of this State, and by him marked "cancelled," and if the same has been charged against

State superintendent to open account with each county.

Unexpended
balance avail-
able.

the county in the book kept under this section, an entry shall be made therein crediting the account of said county with each of such "cancelled" warrants, provided further, that if at the end of any year the whole appropriation for that year has not been exhausted the State auditor and the State treasurer shall carry the unexpended balance forward and this balance shall be available in addition to the regular appropriation for the current year.

What proceeds
used for.

Section Six. That the proceeds of all warrants issued under this act shall be used only for the erection or the repair of the public school houses in the districts for the benefit of which they shall be issued as shown by the application filed with the county superintendent of education by the district trustees, and it shall be unlawful to use or apply the same to any other purpose whatsoever; and any district trustee of any public school district in this State who shall knowingly use or apply or authorize the use or application of the proceeds or any part thereof of any warrant delivered to him under this act, for purposes or objects other than as required by this section, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than \$200.00 nor more than \$1,000, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Penalty for
violation.

Approved March 2, 1907.

No. 165)

AN ACT.

(H. 138)

To detach Lee county from the northeastern chancery division, and to transfer the cases pending in the chancery court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Section 1. *Be it enacted by the Legislature of Alabama,* That the county of Lee is hereby de-

tached from the northeastern chancery division of Alabama, and all cases pending in the chancery court of Lee county are hereby transferred to the Lee county court of law and equity, which Lee county court of law and equity is hereby clothed with the full and complete jurisdiction to try and determine the same in all respects as fully as said chancery court of Lee county had before said transfer. Provided this law shall take effect on July 1, 1907.

Section 2. That all laws in conflict herewith are hereby repealed.

Approved February 28, 1907.

No. 167.)

AN ACT.

(H. 137.

To detach Lee county from the third judicial circuit, and to transfer the cases pending in the circuit court of Lee county, and the jurisdiction to try and determine the same, to the Lee county court of law and equity, and to repeal conflicting laws.

Section 1. *Be it enacted by the Legislature of Alabama,* That the county of Lee is hereby detached from the third judicial circuit, and all cases pending in the circuit court of Lee county, are hereby transferred to the Lee county court of law and equity, which Lee county court law and equity is hereby clothed with full and complete jurisdiction to try and determine said cases in all respects as fully as said circuit court of Lee county had before said transfer, Provided, this law shall take effect July 1, 1907.

Section 2. That all laws in conflict herewith are hereby repealed.

Approved February 28, 1907.

To amend section 4447 of the code of 1896.

Accounts for
hire to be
made out.

Quarterly set-
tlements with
auditor.

Contract pre-
scribing other
than monthly
payments.

Failure to pay
amount due,
suit brought.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 4447 of the code of 1896 be amended so as to read as follows: Section 4447. On the first day of each month the president of the board shall cause to be made out by the clerk an account against each contractor, showing the number of convicts and the amount of hire due from each contractor for the past month, copies of which shall be furnished respectively to the contractors and the auditor. Within ten days after receiving such account, such contractors respectively shall settle and pay such accounts to the president of the board; and the president of the board shall make quarterly settlements with the auditor for the proceeds of such accounts, on the first days of January, April, July and October of each year, and the amount due by each shall be certified into the State treasury, and an account thereof shall be kept by the auditor in a book or books, separate and distinct from other State accounts (as other accounts of public moneys are kept); but when the contract prescribes other than monthly payments then the account thereof shall be made out under the direction of the president of the board, and settled by the contractor with the president of the board, within ten days after the same is due, and the president of the board shall settle with the auditor for the same in said quarterly settlements, and the amount shall be certified into the treasury of the State, in all respects as herein provided; and if the contractor fails to settle within thirty days after receiving his account, the president of the board shall notify the attorney general, who shall at once bring suit for the amount due.

Approved February 28, 1907.

No. 177.)

AN ACT.

(H. 379.)

To fix the salaries of the chancellors, supernumerary judge and circuit judges.

Section 1. *Be it enacted by the Legislature of Alabama,* That from the approval of this act, the salary of every chancellor and the supernumerary judge for the State shall be three thousand two hundred dollars per annum. Amount of salary of chancellors and supernumerary judges.

Sec. 2. The salary of every circuit judge shall be three thousand dollars; provided, that said amounts shall be in full of the salaries, allowances and expenses of all of said judges and chancellors. Salary of circuit judges.

Sec. 3. All salaries fixed in this act shall be paid as provided in section 3153 of the code. How paid.

Approved February 28, 1907.

No. 186.)

AN ACT.

(H. 178.)

To make appropriation for buildings, machinery and other necessary improvements at the Alabama Industrial school for White Boys.

Section 1. *Be it enacted by the Legislature of Alabama,* That there be and hereby is appropriated to the Alabama Industrial School for White Boys out of any money in the State treasury, the sum of fifty thousand dollars to pay for buildings, machinery and other improvements needed at said school. Amount appropriated and purposes of same.

Sec. 2. That of the sum hereby appropriated as aforesaid, one half shall be payable under the direction of the governor, and the remainder shall be due and payable on the first day of October, 1907. When payable.

Sec. 3. All money appropriated hereby, shall be paid as it becomes due to the treasurer of said school on the warrants of the State auditor How paid.

which shall be drawn by him on the State treasurer.

Repeal.

Sec. 4. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved March 2, 1907.

No. 191.)

AN ACT.

(H. 180.)

To provide for the sale and other disposition by the board of trustees of the University of Alabama, of such lands as have been or may be selected under and by virtue of an act of congress entitled "An act to increase the endowment of the University of Alabama from the public lands in said State," approved April 23, 1884; and to ratify and confirm such sales and other dispositions of said lands as may have heretofore been made.

Authorizing
sale etc., of
lands.

Section 1. *Be it enacted by the Legislature of Alabama,* That the board of trustees of the University of Alabama may sell, lease or otherwise dispose of all or any part of such lands as have been or may be selected under and by virtue of an act of congress entitled "An act to increase the endowment of the University of Alabama from the public lands in said State, approved April 23, 1884; and may sell said lands or any interest therein or part thereof for such prices and upon such terms as to them may seem proper. Such sales may be for cash, or for part cash; and said the board of trustees of the University of Alabama shall not be limited by any statute heretofore enacted as to what part of the purchase price of such lands which they have heretofore sold or may hereafter sell shall be in cash but the per cent of the purchase price of such lands that may have been or shall be in cash, shall be such as said the board of trustees of the Univer-

sity of Alabama may agree upon with the purchaser or purchasers.

Sec. 2. The board of trustees of the University of Alabama are hereby authorized and empowered to create an executive committee consisting of three or more of the trustees composing the said board, upon which committee it may confer full power and authority to lease, sell and convey such lands or any part thereof, or any interest therein, as fully as said board of trustees of the University of Alabama could itself do.

Board of trustees to create an executive committee to lease, sell and convey such lands.

Sec. 3. That all sales, agreements to sell, leases, and other dispositions of such lands, or any part thereof, or any interest therein, heretofore made or attempted to be made by the board of trustees of the University of Alabama, or by any executive committee by it created, irrespective of the per cent of the purchase price which may have been paid in cash, be and the same are hereby ratified and confirmed and shall be binding upon the said board of trustees of the University of Alabama as fully as if the same were made after the passage of this act, and in cases where the same were made by an executive committee, as if same were made by said the board of trustees of the University of Alabama.

Former sales ratified.

Sec. 4. That all laws, general or special, in conflict herewith be, and the same are hereby repealed.

Repeal.

Approved February 28, 1907.

No. 194.)

AN ACT.

(S. 250.

For the relief of W. A. Singleton and B. G. Singleton of Marengo county, Alabama, for the overpayment of money for the purchase of school lands in section 16, township 12, range 1, west.

Section 1. *Be it enacted by the Legislature of Alabama,* That an appropriation of four hundred

Amount appropriated.

and thirty-five dollars be and the same is hereby made for the relief of W. A. Singleton and B. G. Singleton of Marengo county, for the overpayment of money for the purchase of school lands in section 16, township 12, range 1. west.

How paid.

Sec. 2. Be it further enacted, That the amount of money named in the foregoing section shall be paid out of any funds in the treasury not otherwise appropriated and that the State auditor be and is hereby authorized and required to draw his warrant on the treasurer for the amount named in section 1 of this act.

Approved March 2, 1907.

No. 197.)

AN ACT.

(S. 289.

Declining in the part of the State of Alabama to accept for the purpose of establishing an industrial school for indigent white girls and young ladies of the State, that certain property in Marion, Perry county, Alabama, formerly known as Howard college and now used and known as the Marion Military Institute.

State declines
to accept.

Section 1. *Be it enacted by the Legislature of Alabama*, That the State of Alabama does hereby decline to accept that certain property in Marion, Perry county, Alabama, formerly known as Howard college, and now used and known as the Marion Military Institute, for the purpose of establishing an industrial school for indigent white girls and young ladies of the State, which said property is more particularly described in certain deed of dedication executed by Wm. W. Wilkerson and wife and Jesse B. Lovelace and wife, on the 3rd day of February, 1888, and duly recorded in the office of the judge of probate of Perry county, Alabama; and the State of Alabama does hereby remise, release and forever quit-claim to the trustees of the Marion Military

Institute any interest it may have in said property by reason of the provisions and conditions in said deed.

Approved March 2, 1907.

No. 201.)

AN ACT.

(H. 24.

To make appropriations for the support and maintenance of the public schools of the State.

Section 1. *Be it enacted by the Legislature of* Appropriation. *Alabama,* That for the support and maintenance of the public schools of the State the following sums of money are hereby appropriated for the scholastic year 1906-1907 and for each scholastic year thereafter: 1. For interest on the sixteenth section fund, valueless sixteenth section fund, surplus revenue fund and school indemnity land fund, one hundred and sixty-five thousand dollars. 2. The net amount of poll tax that may be collected in the State, the poll tax collected in each county to be applied to the support and maintenance of the public schools therein. 3. The net proceeds of the annual tax of thirty cents on each one hundred dollars of taxable property in the State, which tax is hereby levied, as provided by section 260 of the constitution."

Sec. 2. The further sum of three hundred thousand dollars is hereby appropriated from Additional appropriation. and out of any money in the treasury not otherwise appropriated for the support and maintenance of the public schools of the State for the scholastic year 1907-1908; and the sum of three hundred and fifty thousand dollars is hereby appropriated from and out of any money in the treasury not otherwise appropriated for the support and maintenance of the public schools of the State for the scholastic year 1908-1909 and for each scholastic year thereafter.

Approved March 2, 1907.

No. 202.)

AN ACT.

(H. 108.)

To amend an act to regulate the registration, branding, sale, tagging and analysis of commercial fertilizer, acid phosphate, fertilizer materials and chemicals, in the State of Alabama, approved March 3rd, 1903.

If fertilizer
deficient.

Amount of ob-
ligation collec-
tible

Persons selling
deficient ferti-
lizer.

Penalty.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 5 of the act entitled an act to regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer materials and chemicals, in the State of Alabama, approved March 3rd, 1903, be amended so as to read as follows: Section 5. If any commercial fertilizer, or fertilizer material, sold in this State, shall prove deficient in any of its ingredients as guaranteed or branded on the sacks, bags or packages containing the same, and if, by reason of such deficiency, the commercial value of such fertilizers shall fall more than five per cent below the guaranteed total commercial value of such fertilizers, or fertilizer material, then any note or obligation given in payment therefor shall be collectible by law only for one-half of the amount of such note or obligation; provided further, that any person, firm, or corporation who sells any fertilizers or fertilizer material that shall prove deficient in any of its ingredients as guaranteed and branded on the sacks, bags, or packages containing the same, so that by reason of such deficiency the commercial value of such fertilizers shall fall below the guaranteed total commercial value of such fertilizer, or fertilizer material, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred nor more than one thousand dollars.

Approved March 4, 1907.

No. 203.)

AN ACT.

(S. 320.)

To amend section 17 of an act. Approved March 3rd, 1903, entitled an act to provide for the holding the elections on the question of changing of county seats, and in the event of a majority of qualified electors of the county voting at such election shall vote in favor of changing or locating county seats to provide for changing or locating county seats under the erection of necessary county buildings and to provide for the necessary county officers.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 17 of an act approved March 3rd, 1903, entitled an act to provide for the holding the elections on the question of changing the county seats, and in the event of a majority of the qualified electors of the county voting at such election shall vote in favor of changing or locating county seats to provide for changing or locating county seats under the erection of necessary county buildings and to provide for the necessary county officers be amended so as to read as follows, to-wit:—Section 17. If upon canvass of the returns of said election, it shall be ascertained and declared that a majority of all the legal votes cast were in favor of the removal of the county seat, then the city, town or village thus elected shall thereafter be the county seat of the county; and it shall thereupon be the duty of the court of county commissioners to procure by donation or by purchase at the expense of the county suitable lots or parcels of land in such city, town or village, taking the fee simple title thereto to the county, to cause to be erected, at the expense of the county, a suitable courthouse, and a suitable jail on said lots for the county as soon as practicable; and when said court house shall be completed and ready for occupancy, the said county officers shall remove their offices and the records thereof to such office or rooms in the new courthouse as may be desig-

When majority
vote cast in fa-
vor of removal.

Duty of county
commissioners
as to purchase
of lands for
buildings, etc.
etc.

Where court
held prior to
removal.

nated for them respectively by the court of county commissioners; and the sheriff upon completion of the jail, shall remove and keep therein any prisoners in his custody. Prior to the removal, last referred to, all courts of records for the county shall be held at the original courthouse thereof. But after such removal, all courts of record for the county shall be held at the new county seat, and if needs be the court of county commissioners must provide suitable buildings in which to hold said courts, pending the erection and completion of the court house. Provided, that all county officials who are required to hold their offices at the county seats shall have their offices and all courts held for such county shall be held at the old county seat until the suitable buildings and offices can be provided by said commissioners court at the new county seat not to exceed twelve months from the date of said election.

Effect.

Sec. 2. Be it further enacted, That this act shall take effect immediately upon its passage.

Approved March 2, 1907.

No. 204.)

AN ACT.

(S. 310.

Conferring on railroads operating in the State of Alabama, the right to acquire lands for depots, freight yards, and team tracks by condemnation proceedings, in the mode prescribed by law, after application for permission to bring such condemnation proceeding has first been submitted to and approved by the railroad commission of Alabama.

May acquire
land by con-
demnation
proceedings.

Be it enacted by the Legislature of Alabama, That railroads operating in the State may acquire by condemnation proceedings, in the mode prescribed by law, lands for depots, freight yards and team tracks; provided, that the condemna-

tion proceedings shall be begun for either of said purposes until an application for permission to bring such condemnation proceeding has first been submitted to, and the same approved by the Railroad Commission of Alabama; and provided further, that should such lands not be used for the purposes of such condemnation within one year from the date of its condemnation, or should such lands be abandoned for the use condemned, or be used for purposes not authorized by such condemnation, the same shall revert to the owner or owners, his or their heirs.

Submit same
to railroad
commission.

When lands
abandoned.

Approved March 2, 1907.

No. 205.)

AN ACT.

(S. 226.

To make an appropriation for the confederate soldiers hhome at Mountain Creek, Alabama, and for other purposes.

Be it enacted by the Legislature of Alabama,
That there is hereby appropriated out of the treasury of the State of Alabama out of funds on hand not otherwise appropriated the following amounts for the benefit of the Confederate Soldiers Home at Mountain Creek, Alabama.

Appropriation.

1. For the payment of the indebtedness of the said confederate soldiers home the sum of five thousand three hundred forty-nine dollars and fifty cents (\$5,349.50.)

Amount to
pay indebt-
edness.

Sec. 2. The State auditor is hereby authorized to draw his warrant on the State treasurer in favor of the commandant and treasurer of the Confederate Soldiers Home at Mountain Creek, Alabama, upon the certificate of the executive committee of the board of control of said soldier's home, for the sum of five thousand three hundred and forty-nine dollars and fifty cents (\$5,349.50), And such sum shall be disbursed by said treasurer for the payment of such indebtedness under

Auditor to
draw warrant.

Available im-
mediately.

the control and supervision of said executive committee of said board of control.

Sec. 3. The said sum herein appropriated is hereby made available upon the passage of this act.

Approved March 5th, 1907.

SENATE JOINT RESOLUTION.

No. 210.)

(S. J. R. No. 53.

Sec'y. State to
prepare gen-
eral acts.

Be it resolved by the senate, the house concurring, that the secretary of State be and he is hereby required immediately after the recess of the legislature on March 2, 1907, to prepare for publication fair copies of the Acts and Joint Resolutions, except local acts, passed at this session of the legislature before said recess, and to have two thousand copies of the same immediately printed by the public printer in pamphlet form and without index, and the said secretary of State shall so soon as said copies are printed, forward five copies of the same to each member of the legislature, and one copy to the judge of every court of record, and one copy to every solicitor. The object of this joint resolution being to have such acts and joint resolutions as are of a general nature printed in temporary form as early as possible and placed in the possession of members of the legislature so that they and each of them will have an opportunity of reviewing all such general laws, during the recess, to the end that all defects and errors, if any, appearing therein, may be remedied or corrected at the adjourned session in July, 1907.

Approved March 2, 1907.

No. 211.

AN ACT.

(S. 48.)

To create the fifteenth judicial circuit for the State of Alabama to be composed of the counties of Autauga, Chilton, Elmore and Montgomery, to confer equity jurisdiction on said court as to matters arising in Autauga, Elmore and Chilton counties, and to provide for registers in chancery therein; to provide for the appointment of a judge and solicitor for said court and for the removal of pending causes and the remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said circuit and to authorize the judge of said circuit court to adopt reasonable rules of practice to facilitate the business of the court.

Section 1. *Be it enacted by the Legislature of Alabama,* That there is hereby created and established the fifteenth judicial circuit for the State of Alabama, to be composed of the counties of Autauga, Chilton, Elmore and Montgomery and that said counties are hereby taken out of their present judicial circuits. Fifteenth circuit created.

Sec. 2. That as soon as practicable after the passage and approval of this act, the governor shall appoint a judge in and for said circuit as approved by section 159 of the constitution, and the said judge shall receive the same salary and be paid at the same time and in the same manner as the salary of other circuit judges. Appointment of judge.

Sec. 3. That as soon as practicable after the passage and approval of this act, the governor shall appoint a solicitor for said circuit, whose duties shall be confined to the counties of Autauga, Chilton and Elmore and who shall be a resident of one of said counties at the time of his election or appointment as the case may be. The salary of said solicitor shall be eighteen hundred dollars per annum and shall be paid at the same time and in the same manner as the salary of the other circuit solicitors. Appointment of solicitor; duties confined to.

Times of holding court. Sec. 4. That the court in the several counties composing said circuit shall be held at the following times: In the county of Montgomery, on the first Monday in March and may continue until the business is disposed of; and on the first Monday in November and may continue until the business is disposed of. And the terms of said court shall not be affected by the terms of the court to be held in the counties of Autauga, Chilton and Elmore, but the judge thereof may, when he deems it necessary, recess said terms to be held in the county of Montgomery, without adjourning the same. In the county of Elmore on the second Monday in January and may continue two weeks; on the first Monday in April and may continue one week; on the second Monday in September and may continue two weeks. In the county of Autauga on the fourth Monday in January and may continue two weeks; on the second Monday in April and may continue one week; on the fourth Monday in September and may continue two weeks. In the county of Chilton on the second Monday after the fourth Monday in January and may continue two weeks; on the third Monday in April and may continue one week; on the second Monday after the fourth Monday in September and may continue two weeks.

Montgomery county.

Elmore county.

Autauga county.

Chilton county.

Jurisdiction and powers. Sec. 5. That the court as herein established, except as to the county of Montgomery, shall have and exercise all the jurisdiction and powers which are now, or may hereafter be conferred by law upon the chancery courts of this State; provided, that said judge, while in the county of Montgomery shall have and may exercise all the powers and duties of a chancellor as to matters pending or arising in the counties of Autauga, Elmore, and Chilton, as if he were in one of said counties. That said court when exercising the powers and jurisdiction of a court of chancery, shall conform to the rules of practice and procedure of the chancery courts of this State.

Sec. 6. That the registers in chancery for the counties of Autauga, Chilton and Elmore shall be ex-officio registers in the circuit court of said counties respectively, with the same powers and subject to the same duties and liabilities, and entitled to the same fees and commissions as provided by law for registers in chancery. Provided, however, that separate dockets shall be kept for all matters pertaining to the equity side of said court in said counties respectively. And provided, further, that the official bonds of said registers shall extend to the duties and liabilities herein imposed; and provided, further, that nothing in this act shall affect the tenure of office of the present clerks of the circuit court in the counties embraced in this act who shall continue as now provided by law, as the clerks of said courts in each of said counties, respectively.

Registers in
chancery ex-
officio regis-
ters of.

Sec. 7. All cases and court business now pending in the circuit courts of the counties of Autauga, Chilton, Elmore and Montgomery, respectively are hereby transferred to the court created by this act in said counties respectively and shall be tried and disposed of in said court.

Pending cases
transferred.

Sec. 8. That in the counties of Autauga, Chilton and Elmore no grand jury for said court at the spring terms respectively, shall be organized unless in the opinion of the presiding judge the public good require it and, when organized, it shall be done in the same manner as now provided by law for the organization of grand juries for a special or adjourned term of the circuit courts of the State. At said spring terms respectively, no civil cause in which a jury is required shall stand for trial, excepting by consent provided, however, that the pleadings may be acted upon and disposed of.

As to grand
juries
for spring
terms.

Sec. 9. That in the county of Montgomery no grand jury shall be organized for said court unless in the opinion of the presiding judge the public good require it; and when organized, it shall be done in the same manner as now pro-

Grand jury for
Montgomery
county.

vided by law, for the organization of grand juries for a special or adjourned term of the circuit court of the State.

Cases pending in supreme court; remanded to.

Sec. 10. That all cases now pending in the supreme court on appeal or otherwise, or which may hereafter be appealed or carried to said court from the circuit courts of said counties, shall, if reversed, be remanded to this court in the counties respectively.

Special or adjourned terms.

Sec. 11. That the judge of said court may in his discretion hold special or adjourned terms of the court in the manner now, or hereafter, prescribed by law; provided that such special or adjourned terms of said court shall not be affected or impaired by the holding of court in other counties of the circuit, and provided, that executions and other process on judgments; rendered at any term, may issue at any time after two weeks from the rendition of judgment, as though the term of court had adjourned sine die. And all proceeds of judgment rendered at any special or adjourned term, shall be returnable at the next regular term, if more than thirty days intervene, otherwise to the second regular term thereafter.

Equity docket in Autauga, Chilton and Elmore.

Sec. 12. The equity docket in the counties of Autauga, Chilton and Elmore, respectively, shall be called peremptorily at least three times in every twelve months, notice of which calls shall be given by the register by mailing the same to the attorneys of record in all pending causes.

Time of pleadings and rules of practice fixed by judge.

Sec. 13. The judge of said court is authorized to fix the time of pleadings and to adopt such other reasonable rules of practice as will facilitate the business of the court.

Repeal.

Sec. 14. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved March 2, 1907.

No. 212.)

AN ACT.

(S. 1.

To amend section 4 of an act, To provide for subordinate employees of the legislature.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 4 of an act to provide for subordinate employees of the legislature, approved January 26, 1903, be and the same is hereby amended so as to read as follows: Section 4. That the employees of the senate shall be elected or selected or employed as may be determined by the senate by resolution adopted by the senate after its permanent organization. The doorkeeper of the gallery, reading clerk, pages and messengers of the house shall be appointed by the speaker. The servants of the house shall be selected by the doorkeeper of the house with the approval of the speaker. The clerical assistants to the clerk of the house and to the engrossing and enrolling clerk of the house shall be selected by them, respectively, with the approval of the speaker; and the house shall provide by rule or resolution the manner of selecting committee clerks.

Subordinate
employees sen-
ate; how elect-
ed:

How selected
for house.

Approved March 2, 1907.

No. 214.)

AN ACT.

(H. 750.

To amend an act entitled "An act to amend an act, approved February 15th, 1899, entitled an act to amend section 908 of the code of 1896, and to fix the time of holding the circuit court in the tenth circuit of Alabama, composed of the counties of Winston, Walker and Jefferson." Approved December 13, 1900, in so far as said act relates to time of holding the circuit court for Jefferson county.

Section 1. *Be it enacted by the Legislature of Alabama*, That an act entitled "An act to amend

Times of holding court, Jefferson county.

an act approved February 15th, 1899, entitled an act to amend section 908 of the Code of 1896, and to fix the time of holding the circuit court in the tenth circuit of Alabama, composed of the counties of Winston, Walker and Jefferson," approved December 13, 1900, in so far as said act relates to time of holding the circuit court for Jefferson county, be amended so as to read as follows. Sec. 1. The circuit court in the 10th judicial circuit shall be held in each year as follows: In the county of Jefferson. 1. Beginning on the first Monday in October, and may continue to and including the 31st day of the succeeding December, unless said day falls on a Sunday, then to and including the following Monday. 2. Beginning on the first Monday in January and may continue to and including the 30th day of the succeeding June, unless said day falls on a Sunday, then to and including the following Monday.

Repeal.

Sec. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. Approved March 2nd, 1907.

No. 215.)

AN ACT.

(H. 483.

To create an additional judge for the 10th judicial circuit of Alabama, to provide for his election, jurisdiction, powers, authority and qualification, to render him liable to the pains and penalties of the other judge, and provide for the salaries of the judges of said circuit; to provide how the judges sitting in said circuit court in Jefferson county may hold court, and to regulate the holding of the circuit court in said county in the tenth circuit, the establishment of rules of procedure and practice therein and the summoning, empanelling and swearing of jurors to serve in said court in said

county, and to secure suitable rooms, furniture and supplies for said court in said county, and the clerk thereof.

Section 1. *Be it enacted by the Legislature of Alabama,* That there shall be, and there is hereby authorized and created an additional judge of the tenth judicial circuit of the State of Alabama, who shall be appointed by the governor of Alabama, within ten days after the passage of this act, and who shall hold office until the next general election for any State officer and until his successor shall have been elected and qualified; and thereafter such additional judge shall be elected every six years as other circuit judges are elected in this State.

Additional judge created by appointment of; term of office.

Election of; term of office.

Section 2. That said additional judge shall have and exercise all the jurisdiction, power, rights, and authority and shall possess all the qualifications, and may perform all the duties, that the other judge of said circuit may exercise, shall possess or may perform, and that he shall be liable to all the pains and penalties of said other judge.

Jurisdiction and powers of.

Duties and penalties.

Section 3. That the judges of the tenth judicial circuit, including said additional judge, who may hold court in or preside over a circuit court in Jefferson county, may hold court in and for Jefferson county at Birmingham, at the court house or such other place as may be lawfully provided, at the same time or at different times, and may try cases together or separately at the same time or at different times.

Where court held and manner of holding same.

Section 4. That the judges of said circuit court shall have power to make, adopt and publish such rules of procedure for said circuit court of Jefferson county, and rules governing the practice therein, as in their opinion, may be required by a proper system of practice therein having in view the expedition of the trial of causes; and shall have authority to amend the same as may be expedient; such rules to be entered of record upon the minutes of said court; and all rules

Rules of practice.

of practice of said court, as far as applicable, in force when this act takes effect shall remain in full force until altered, amended or repealed by the judges of the circuit court.

Juries, drawing and summoning of.

Section 5. That said circuit court, or either of said judges in Jefferson county, is hereby authorized, when ever from time to time, in its or his judgment, the business of the court in said county requires to order in term time or vacation, the drawing and summoning of a sufficient number of persons to serve as jurors in said court, as in its or his judgment may be necessary to secure jurors sufficient to dispose of the business of the court and to expedite the trial of cases in said court; such order shall designate the number of jurors required and the time when they shall attend the said court, and when such order is made by the court or either of said judges and certified to the board of revenue of Jefferson county by the clerk of said circuit court for said county, said board shall cause to be drawn for said court, for the term designated in said order the number of jurors required by such order in the same manner as is now or may hereafter be provided by law for drawing, summoning and empanelling jurors to serve in circuit courts of this State; and the clerk of said circuit court in said county shall be charged with, and shall perform, the same duties relative to drawing summoning and empanelling jurors in said court in said county as are or may be prescribed by law to be performed by circuit court clerks in this State relative to drawing, summoning and empanelling jurors to serve in circuit court of this State. The said circuit court in said county, or either judge thereof in said county, shall have the same powers as the circuit court or circuit judges to issue special venires and to summon, swear and empanel tales juries; and all jurors summoned and sworn to serve in said court may be required to serve in cases tried before either judge sitting in said court in said county of Jefferson, as the convenience of the

Duty of clerk of court.

Special venires; powers of court.

court may dictate or the necessities of its business may require. The venires for jurors in said court in Jefferson county shall be issued and served in the same manner as they are issued and served in and for circuit courts in this State.

Section 6. That the board of revenue of Jefferson county be, and it is hereby, required to provide and maintain suitable court rooms furniture and supplies for the holding of the courts by the judges thereof, and for the business of said circuit courts in Jefferson county and for the clerk of said court.

Board of revenue to furnish rooms and supplies.

Sec. 7. That the salary of the additional judges created by this act, be, and it is hereby fixed at the sum of forty-five hundred dollars and that he shall be paid out of the State treasury the same sum as is now or shall hereafter be authorized by law to be paid to other circuit judges out of the State treasury, and such sum out of the treasury of Jefferson county as will when added to the amount paid out of the State treasury equal to the salary of said judge as fixed by this act.

Salary of.

How paid.

Sec. 8. That the other judge of the tenth judicial circuit shall at the expiration of the term of the present incumbent, receive the same salary as the additional judge created by this act, to be payable from the same sources and in the same way.

Salary of other judge fixed.

Approved March 3, 1907.

No. 216.)

AN ACT.

(H. 136.

To establish the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for the selection of its officers, prescribe their powers, duties, compensation and term of office, fix the time of holding said court, and provide for fees, commissions, fines, forfeiture and juries

in said court, provide for supplies for said court, and repeal conflicting laws.

Court established; jurisdiction and powers.

Rules of practice.

Section 1. *Be it enacted by the Legislature of Alabama*, That there is hereby created and established in and for Lee county, an inferior court of law and equity, which shall be called the Lee county court of law and equity, which court shall have and exercise all the powers and jurisdiction which are now or may hereafter be by law conferred on the several circuit, chancery and county courts of the State. When exercising the jurisdiction and powers of the circuit courts, said Lee county court of law and equity shall conform to the rules of procedure and practice in the circuit courts of the State, except where the same are changed by this act; provided, that the presiding judge of said court shall have power to make and adopt such rules of practice not inconsistent with the general rules of practice of the statutes of Alabama as may be required or proper to promote a speedy and fair trial of cases and execution of the laws, and may amend the same as may be expedient. Such rules shall be entered of record upon the minutes of the court, and the same may be changed or amended by the supreme court of the State. When exercising the powers and jurisdiction of courts of chancery, said Lee county court of law and equity shall conform to the rules of procedure and practice in the chancery courts of this State, so far as the same may be applicable, except where otherwise changed by this act. When exercising the powers and jurisdiction of county courts, the said Lee county courts of law and equity shall conform to the rules of procedure and practice in the county courts of this State, so far as the same may be applicable, except where otherwise changed by this act.

Appointment of judge; term of office.

Sec. 2. That a judge for said Lee county court of law and equity shall be appointed by the governor of this State within fifteen days after the passage and approval of this act, whose term of

office shall continue until the general election in 1910, and until his successor shall have been elected and qualified as herein provided. That at said general election in 1910, and every six years thereafter, a judge of said Lee county court of law and equity shall be elected by the qualified voters of said Lee county, whose term of office shall be six years from the date of his election and until his successor is elected and qualified. The judge so appointed by the governor and elected by the people, as herein provided, shall take the oath of office required by law to be taken by judges of the circuit courts and shall be removed from office for the same causes and in the same manner as the judges of the circuit courts. He shall have and exercise all the jurisdiction and powers which are or may hereafter be lawfully exercised by judges of the circuit courts, judges of the county courts, and chancellors of the State, including authority to issue writs of injunction, prohibition, ne exeat and all other remedial writs. The judge of said Lee county court of law and equity shall, during his continuance in office, reside in the county of Lee, and shall at the time of his induction in office have been a citizen of this State and of the United States for a period of five years, and of the county one year, next preceding his appointment or election, and shall not be less than twenty-five years of age, and learned in the law. Vacancies in the office of the judge of said Lee county court of law and equity shall be filled by appointment of the governor, and the person so appointed shall continue in office during the unexpired term of his predecessor, and until his successor shall be elected and qualified. That the salary of said judge of said court shall be twenty-five hundred dollars per annum, to be paid out of the State treasury in the manner circuit judges are now paid.

Election of judge, term of office.

Oath of office.

Jurisdiction and powers.

Qualifications.

Vacancy; how filled.

Salary of.

Circuit clerk ex-officio clerk and register.

Sec. 3. That the present clerk of the circuit court of Lee county court, who is also the present register in chancery for Lee county, be and he is hereby constituted and appointed the clerk and

Election of; term of office.	<p>register of said Lee county court of law and equity, and shall hold said office until the next regular election for State officers in the year 1910, and until his successor is elected and qualified. That at said general election in 1910 and every six years thereafter, a clerk and register of said court shall be elected by the qualified voters of said county of Lee. Such clerk and register so elected shall hold office for a term of six years, and until his successor is elected and qualified. Vacancies in the office of clerk and register shall be filled by the appointment of the judge of said court, and such appointee shall hold his office for the unexpired terms of his predecessor. Such clerk and register may be removed from office for such causes and in such manner as is or may be provided by law for the removal of clerks of the circuit courts of the State. Before entering upon the duties of his office, such clerk and register shall give bond and security to be fixed and approved by the judge of said court in a sum not less than five thousand dollars, which must be payable, conditioned, filed and recorded, as required by law for bonds of clerks of the circuit courts. Such clerk and register shall have and exercise all the powers and perform all the duties which may be lawfully exercised or performed by clerks of the circuit courts and registers in chancery in this State, including the power of issuing attachments and other extraordinary process. He shall reside in Lee county, in the city of Opelika, during his continuance in office, and shall be the custodian of the seal of said court. He shall receive such fees and compensation as are now by law allowed the clerk of the circuit court of Lee county, and the register in chancery for Lee county, for the same services, and in addition thereto he shall be entitled to an additional ex-officio fee or compensation of \$400.00 per annum which shall be paid quarterly at the end of each quarter on his own warrant on the county treasury.</p>
Vacancy, how how filled.	
Removal.	
Bond of.	
Duties and powers.	
Fees of.	

Sec. 4. That the governor shall appoint a solicitor for said Lee county court of law and equity, with all the powers, duties, authority, obligations and liabilities of solicitors of circuit courts in Alabama; that he shall hold said office until the general election in 1910, and until his successor shall have been elected and qualified. That at said general election in 1910, and every four years thereafter, a solicitor of said Lee county court of law and equity shall be elected by the qualified voters of said Lee county, whose terms of office shall be four years from the date of his election. And said solicitor so appointed and elected shall be an officer of said court and shall be charged with the performance of the same duties in said Lee county court of law and equity, and subject to the same liabilities and penalties in respect thereto, as are by law imposed upon circuit court solicitors and county solicitors in like cases in the circuit and county courts of the State. For the term of office beginning on the passage and approval of this act and ending at the time of the general election in 1910, as herein provided, the salary of the solicitor shall be twenty-two hundred dollars per annum, payable in the same manner as provided by law for the payment of circuit court solicitors; and for the subsequent terms, said solicitor shall receive a salary of \$1800 per annum, which shall be payable in the same manner as provided by law for the payment of circuit court solicitors. Such solicitor shall be learned in the law and shall during his service and term of office reside in the county of Lee. That there shall be charged and collected the same solicitors fees and commissions in all criminal cases in said Lee county court of law and equity as are now collected in such cases in the circuit and county courts of this State, and said fees and commissions shall be covered into the State treasury in all respects the same as now provided by law for fees and commissions collected in the circuit courts of the State.

Solicitor; appointment of; duties and term of office.

Election of and term of office.

Duties and liabilities.

Salary of until 1910, and how paid.

Salary of subsequently and how paid.

Fees charged and collected and paid into State treasury .

Where court
held.

Terms of.

Proceeding in
civil cases.

Sec. 5. That said court shall be held in the court house of Lee county; that the office of the judge of said court, the office of the clerk and register of said court, and the office of the solicitor, and all the records of said court shall be in the court house of Lee county, in the city of Opelika. Said court shall hold two regular terms in each year, as follows: The first beginning on the second Monday in January, and ending on the third Saturday in June, and the second term beginning on the fourth Monday in July and ending on the second Saturday in December of each year; provided that the first term of court to be held under this act shall begin on the fourth Monday in July, 1907.

Sec. 6. Be it further enacted, that in all civil cases at law in said court, the defendants thereto shall be required by the summons therein served upon them to appear and plead or demur to the complaint within 30 days after such service of summons and complaint upon them, whether such service shall be served upon them in term time or vacation. In cases commenced otherwise than by suing out and service of summons and complaint, defendant shall appear and demur or plead within 30 days after perfection of service, notice, or publication upon them, whether the same shall occur in term time or vacation, and in all cases, after thirty days from such service, notice or perfection of publication, such cause shall be at issue and triable when the cause shall be reached on the regular call of the docket. Any defendant failing for more than thirty days after such service, notice or perfection of publication in any cause to appear therein and demur or plead shall be held in default, and judgment by default may be rendered against him whenever such cause shall be reached on the call of the docket; provided, that for good cause shown the judge of said court may allow demurrers, pleas, or other defenses, to be filed after such thirty days on such terms as he may think just. That all original and mesne process issuing from said

court shall be executed instanter and returned immediately upon the execution thereof by the officer receiving the same; that in all civil cases at law in said court, the issues and questions of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff in writing at the commencement of the suit, or by the defendant on his appearance, by endorsing such demand in writing upon the summons and complaint, plea, demurrer or other pleading; provided, that in all cases now pending in the circuit court of Lee county, and transferred to this court, parties thereto shall have 30 days from the date of such transfer in which to make such demand; provided further, that a failure to demand a jury as above directed shall be held and considered as a waiver of the right of trial by jury. That in all civil cases at law, said court may set down any cases for hearing on the pleadings alone, and render judgment or judgments thereon, and from such judgment or ruling an appeal lies to the supreme court, to be taken within 30 days after the rendition of such judgment or ruling, but nothing herein contained shall prevent an assignment of error on such judgment on appeals taken after the final determination of the cause, if appeals are not taken under this section.

In cases transferred.

Sec. 7. That the venue in any cause in said court may be changed to other counties than Lee, under the same rules and regulations as govern changes of venue in the circuit courts of the State.

Change of venue.

Sec. 8. That appeals and writs of certiorari may be taken to this court from justice courts, probate court, mayor's courts and recorder's courts and other inferior courts within the county of Lee, in all cases and in all respects the same as such appeals might heretofore have been taken from such courts to the circuit court of Lee county, and the procedure and practice in all such cases shall be the same, unless herein otherwise provided, as in appeals in such cases to the cir-

Appeals to.

cuit court. That all cases of misdemeanors returned by justices of the peace, or appeals from justices or other courts of said county to this court, shall be tried upon the complaint of the solicitor, filed in the cause which complaint shall be in the form, and of such sufficiency as required by law, and shall be subject to amendment. That misdemeanors in said court shall be tried by the judge thereof, without a jury, unless a trial by jury be demanded, and a failure to make such demand shall be held a waiver of trial by jury.

Trial of case
without jury;
conclusion and
judgment of
court reviewed
by supreme
court.

Signing bill of
exceptions.

Duties of sher-
iff.

Sec. 9. That in the trial of any case at law without a jury in said court, in addition to the questions which may be presented under existing laws for review to the supreme court, either party may by bill of exceptions, also present for review the conclusions and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as to the supreme court shall seem right. That no bill of exception can be signed after the expiration of thirty days from the rendition of the judgment or order appealed from, unless within said time the court make and extend an order extending said time, or unless within said time the parties agree in writing to an extension, which agreement must be signed and filed with the clerk and register and entered upon the minutes of said court.

Sec. 10. That the sheriff of Lee county shall be in person or by deputy required to attend said Lee county court of law and equity, preserve order and execute and return its process, and perform such other duties in all respects as in the circuit court, county and chancery courts of the State, and he shall furnish all such other subordinate officers as may be necessary to expedite the business of said court, the same as he is now required to do as an officer of the circuit, county and chancery courts of the State.

Sec. 11. That after ten days from the rendition of any judgment or decree in said court unless said judgment or decree direct otherwise the clerk of said court, unless ordered not to do so in writing entered upon this order book to be kept for that purpose and signed by the person entitled thereto, his attorney or agent, shall issue execution in term time or vacation returnable within ninety days, and in like manner upon the order, he shall execute any order or decree of said court sitting in equity; provided, that nothing herein contained shall prevent any person from making affidavit and having execution issued immediately as now provided by law; provided further, that unless executions have been otherwise issued, they shall be issued and returned as now required by law in the circuit court of Lee county.

Execution;
how issued.

Sec. 12. That all laws of a general nature now in force or that may hereafter be enacted, giving jurisdiction to the circuit and chancery courts of this State, shall be held to extend to and apply to the said Lee county court of law and equity, although said Lee county court of law and equity may not be mentioned therein, unless the contrary be expressly provided.

Laws applicable to jurisdiction of said court.

Sec. 13. That the presiding judge of said court, when the solicitor is absent, or suspended, or when he is connected with the party against whom it is his duty to appear, by consanguinity or affinity within the fourth degree, or when there is a vacancy in the office from any cause or when the qualified electors have failed to elect a solicitor or when the solicitor refuses to act, must appoint a competent attorney to act in the solicitor's place, who shall act during the absence or disqualification of the solicitor, or until his office is filled in the manner provided by law, or while the solicitor refuses to act; and in all such cases the attorney so appointed shall be entitled to ten dollars per day while so engaged in court, to be paid on the warrant of the auditor drawn on the treasury, the clerk of the court hav-

Presiding judge to appoint special solicitor; when

Salary of special solicitor and how paid.

ing first certified to the auditor in writing the number of days such attorney was so engaged in court.

Disposition of
fees and for-
feitures.

Sec. 14. That all fines and forfeitures imposed and collected and costs and fees collected by said court shall be disposed of in the same manner as similar fines and forfeitures, costs and fees, are now disposed of in similar cases in the circuit court, county court and chancery court of Lee county, except as herein otherwise provided. That witnesses and jurors shall receive the same fees and compensation for attendance upon said Lee county court of law and equity as are now allowed for similar services in the circuit and chancery courts of the State.

Proceedings as
to drawing etc.
juries.

Sec. 15. That the selection, drawing, summoning and empanelling, both regular and special juries, grand and petit, in said court, shall be in all respects the same as is now by law required in the circuit court of Lee county; and the practice of said Lee county court of law and equity shall be the same in this respect as in the circuit courts of the State; provided, that a list of jurors selected by the jury commissioners of Lee county for the circuit court shall constitute the list of jurors for the Lee county court of law and equity; and provided further, that the grand and petit juries drawn from said list for the fall term 1907, for the circuit court of Lee county, shall constitute the venire of grand and petit juries for the first term of the Lee county court of law and equity.

Supplies for
said court.

Sec. 16. That as soon as practicable after the passage and approval of the act, and from time to time thereafter, the clerk and register of said court shall purchase at the expense of the county of Lee, all necessary books, blanks, and stationery for said court.

Effect.

Sec. 17. That the provisions of this act shall go into effect on the 1st day of July, 1907.

Approved March 5, 1907.

No. 218.)

AN ACT.

(H. 107.)

To prohibit the sale of adulterated cotton seed meal as fertilizers, to have the same analyzed and a guaranteed analysis printed on tags and tags attached to the bags containing the same, and in case of sales in bulk to have such analysis set forth in the contract of sale and providing penalties and punishments for the violation of the provisions of this act.

Section 1. *Be it enacted by the Legislature of Alabama,* That any person, firm or corporation offering for sale as fertilizers cotton seed meal in this State shall be required to have tags attached to each bag with a guaranteed analysis of such meal printed thereon, and, in case of sale in bulk to have such analysis set forth in the contract of sale stating the per cent of ammonia, phosphoric acid and potash contained therein. Provided, that no cotton seed meal containing less than eight per cent of ammonia shall be sold as fertilizers in this State, and all such cotton seed meal containing 8 per cent ammonia as above, offered for sale as fertilizers in sacks, bags, or other packages or parcels, shall have plainly stamped or printed in large capital letters upon the sacks, bags, or other packages or parcels containing the same the words "High Grade;" and all cotton seed meal offered for sale in sacks, bags or other packages or parcels which contains less than 8 per cent ammonia shall have plainly stamped or printed in large capital letters upon the sacks, bags, or other packages or parcels containing the same, the words "Low Grade."

Sale of; tags attached and analysis thereon.

Sales in bulk.

Ammonia; per cent. of must contain for "high grade."

Same as to "low grade."

Sec. 2. That the State chemist at Auburn shall be required to analyze any sample of cotton seed meal sent him by any consumer in this State and that his certificate of such analysis shall be accepted as prima facie correct in all the courts of this State in the trial of any case arising under this act.

State chemist required to analyze.

Penalty for
violation.

Sec. 3. That any person, firm or corporation, offering for sale cotton seed meal as fertilizers in this State, who fails to have tags attached to each bag, sack or other parcel or package containing the same, with a guaranteed analysis of such meal printed thereon, or in case of a sale in bulk to have such analysis set forth in the contract of sale, stating the per cent of ammonia, phosphoric acid, and potash contained therein; or any person, firm or corporation who sells as fertilizers cotton seed meal which does not contain the ingredients as set forth in the contract of sale or stamped on the tags attached to the bags, sacks, or other packages or parcels containing the same; or any person, firm or corporation, who sells as a fertilizer any cotton seed meal containing less than 8 per cent of ammonia, or any person, firm or corporation who sells any cotton seed meal in bags, sacks, or other packages or parcels, without having stamped or printed plainly in large capital letters on the sacks, bags, or other parcels or packages containing the same, the words "High Grade;" provided such cotton seed meal contains 8 per cent of ammonia as above, and the words, "Low Grade;" provided such cotton seed meal contains below 8 per cent. of ammonia, is guilty of a misdemeanor, and shall upon the first conviction be fined not less than \$100.00 nor more than \$1000.00 and upon any subsequent conviction, not less than \$1000.00, nor more than \$5000.00.

Repeal.

Sec. 4. That all laws and parts of laws in conflict with any of the provisions of this act be, and the same are, hereby repealed.

Approved March 2, 1907.

No. 225.)

AN ACT.

(H. 788.

To make further provisions for defraying the expenses of the Legislature.

Section 1. *Be it enacted by the Legislature of Alabama,* That twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any monies in the treasury not otherwise appropriated, to pay the per diem and mileage of the members, officers and employees of the Legislature of Alabama, and other expenses thereof for the present session. Amount and purposes of appropriation.

Approved March 4, 1907.

No. 229.)

AN ACT.

(H. 667.

For the relief of Mary A. Pope, widow of an ex-confederate soldier, being a resident of Marion county, Alabama. Whereas, Mary A. Pope, has long been on the pension rolls for Marion county, Alabama, but for the year 1906, her name was dropped from said roll through mistake:

Section 1. *Be it enacted by the Legislature of Alabam,* That the State auditor be and he is hereby required to draw his warrant on the treasury of Alabama for \$30.00 for said pensioner for the year 1906 to be paid out of any balance in the pension fund of the State by the treasurer thereof. Auditor to draw warrant and same to be paid.

Sec. 2. *Be it further enacted,* That the probate judge of Marion county, Alabama, and the other pension officers are hereby required to restore the name of said pensioner to the pension rolls. Name restored to pension list.

Approved March 5, 1907.

No. 231.)

AN ACT.

(H. 792.

To fix and provide for the salaries of the judges of the city court of Birmingham.

Amount of salary.

How paid.

Section 1. *Be it enacted by the Legislature of Alabama*, That from and after the passage and approval of this act, the judges of the city court of Birmingham shall each receive as a salary the sum of four thousand five hundred dollars per annum. Of this sum there shall be paid from the treasury of the State to each of said judges the same amount as may be paid to judges of the circuit courts of the State, at the same time and in the same manner as circuit judges are paid; the balance of said salaries shall be paid out of the county treasury of Jefferson county at the same time and in the same manner as the judges of said court are now paid.

Approved March 5, 1907.

No. 232.)

AN ACT.

(H. 811.

To provide for the payment of expenses incurred by the doorkeeper of the house, and door-keeper of the Senate.

Amount and purposes of appropriation.

Auditor to draw warrant.

Section 1. *Be it enacted by the Legislature of Alabama*, That the sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any monies in the State treasury, not otherwise appropriated to pay the expenses incurred by the door-keeper of the house and door-keeper of the Senate.

Sec. 2. That the State auditor is hereby authorized and directed to draw his warrant on the State treasurer in favor of the door-keeper of the house and the door-keeper of the senate for whatever amounts may be necessary not in excess of fifteen hundred dollars, when the ac-

counts of said doorkeepers are approved by the presiding officers of their respective houses.

Approved March 4, 1907.

No. 233.) AN ACT. (H. 712.

To fix and provide for the salaries of the judges of the criminal court of Jefferson county.

Section 1. *Be it enacted by the Legislature of Alabama,* That from and after the passage and approval of this act, the judges of the criminal court of Jefferson county shall each receive as a salary the sum of four thousand five hundred dollars per annum. Of this sum there shall be paid from the treasury of the State to each of said judges the same amount as may be paid to judges of the circuit courts of the State at the same time and in the same manner as circuit judges are paid; the balance of said salaries shall be paid out of the county treasury of Jefferson county at the same times and in the same manner as the judges of said court are now paid.

Amount of salary.

How paid.

Approved March 5, 1907.

No. 234.) AN ACT. (S. 293.

To fix the salary of the marshal and librarian of the supreme court, and to make appropriation therefor.

Section 1. *Be it enacted by the Legislature of Alabama,* That the salary of the marshal and librarian of the supreme court shall be two thousand dollars per annum, and the sum of two thousand dollars per annum, is hereby appropriated for the payment thereof.

Amount of salary.

Approved March 5, 1907.

To provide for the collection, compilation and publication of statistics of cotton ginned within the State; to establish a bureau of cotton statistics, and to prescribe the duties and powers of such bureau; to make appropriations for the maintenance thereof; to require ginners to make reports thereto; and to fix penalties for the violations of the provisions of this act.

Section 1. *Be it enacted by the Legislature of Alabama,* That accurate statistics of all cotton ginned within this State shall be collected, compiled and published in the time and manner hereinafter prescribed.

Statistics of cotton ginned to be collected. Bureau of cotton statistics created; director of. Appointment of director and term of office. Bond of. Sec. 2. For the accomplishment of the purposes of this act there is hereby created and established a bureau in connection with the department of agriculture and industries, to be known as the Alabama Bureau of Cotton Statistics. Such bureau shall be under the management and control of a director thereof. Such director shall be appointed by the governor, and shall hold office for a term of four years, unless sooner removed for cause, and shall serve without compensation. And such director shall give a bond, in the sum of five thousand dollars, to be approved by the governor, and conditioned upon the full and faithful performance of his duties.

Duties of director. Sec. 3. It shall be the duty of said director to have accurate weekly statistics of all cotton ginned within this State, collected, compiled and published; to keep records thereof; to prepare and keep a list of all ginners in this State; to provide all ginners in this State with a copy of this act, with suitable blank forms and postage for the making of such reports as herein required; to require said ginners to make such reports, and to collect, compile and publish through the State and federal departments of agriculture the reports so received. Such publi-

cation shall be made not later than noon of each Wednesday during the ginning season, and shall set forth the total amount of cotton ginned in this State during the week ending Saturday immediately preceding; and the total amount ginned in this State during the current ginning season. He shall also ascertain and publish as soon as practicable after the first day of August of each year the total amount of cotton ginned within this State during the year ending July 31st immediately preceding.

Sec. 4. Every person, firm or corporation in this State operating or who shall hereafter operate a ginnery furnish his or its name and address to the director of the Alabama Bureau of Cotton Statistics. Said person, firm or corporation shall keep in a well bound book a record of all cotton ginned, the name of the person or persons for whom ginned, and the dates of ginning same and shall report to said director on such blank forms as shall be provided by him, full and accurate information weekly as to amount of cotton ginned, and amount ginned during current ginning season. Such reports, properly addressed shall be mailed to said director as soon as possible, and in no case later than Monday noon following, and shall set forth accurately the full amount of the cotton ginned during the week ending Saturday immediately preceding. Any person, firm or corporation failing or refusing to furnish reports required by this section, or who shall violate any of the provisions of this act, is hereby declared to be guilty of a misdemeanor, and shall upon conviction be fined not less than ten dollars, nor more than one hundred dollars for each offense. It is hereby made the duty of the several prosecuting solicitors of this State to prosecute all violations of this act.

Duties of persons operating ginneries.

Penalty for violation.

Sec. 5. The director of said bureau is hereby authorized with the consent and approval of the governor to incur all necessary expenses including books, postage, stationery, office supplies, and clerical assistance as may be necessary

Expenses incurred.

How paid.

Amount appropriated for same.

to defray the expenses of such bureau for books, postage, stationery, office supplies and clerical assistance. Upon approval by the governor of vouchers of such expense, the auditor shall issue a warrant on the treasurer for the amounts so approved. Such warrant shall be paid by the treasurer, and for this purpose the sum of three thousand dollars (\$3,000) per annum, or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury, not heretofore otherwise appropriated, for each of the fiscal years.

Approved March 5, 1907.

No. 243.)

AN ACT.

(H. 167.)

To authorize the establishment of State depositaries for the State funds; to authorize State and county officers to deposit State funds therein; to provide for the regulation and control of such depositaries; to provide security for the funds deposited therein; and to provide penalties for the violation of the rules and regulations prescribed for the establishment, management and control of such institutions.

Governor authorized to designate State depositaries.

Section 1. *Be it enacted by the Legislature of Alabama*, That the governor is hereby authorized to designate any bank or trust company incorporated under the laws of this State, or of the United States, and actually doing business in this State, as a State depositary as hereinafter provided.

Conditions on which banks designated as State depositaries.

Sec. 2. That before any bank or trust company shall be designated as a State depositary it shall file with the State auditor and State treasurer an application in writing to be designated as a State depositary under the terms of this act and shall accompany such application with a statement, verified by the affidavit of its pres-

ident or other executive head setting forth the amount of its paid in capital stock, surplus and undivided profits, its principal place of business, the length of time it has been engaged in business, and a statement of its assets and liabilities at the time of making the said application and shall also accompany its said application with a deposit of bonds of the State of Alabama in an amount not less than \$10,000.00 par value, which bonds are to be held and kept by the State treasurer and it shall be so stated in said application as a security to the State for the faithful performance of the duties of such bank or trust company as a State depository, and that it will well and truly account for and pay over any monies or funds of the State upon the check or order of the State treasurer.

Sec. 3. That upon the filing of such application with the State auditor and State treasurer and the deposit of bonds with the State treasurer, as above provided, the said auditor and treasurer shall certify to the governor, the fact of such application, and the sworn statement accompanying the same, and thereupon the governor may designate said applicant as a State depository, and in the event said application be granted by the governor he shall promulgate an order declaring that the said applicant is a State depository for the term of three years, unless its authority be sooner revoked, and as such that it may receive or have at any one time State funds in an amount equal to the par value of the State bonds deposited by it with the State treasurer, but in no case to exceed its paid in capital stock, surplus and undivided profits mentioned in the affidavit accompanying the said application.

Sec. 4. That any State or county officer in this State, having in his possession or under his control, funds or monies belonging to the State may place the same in a State depository to the credit of the State treasurer and subject to the check or order of the State treasurer, but no State depository shall receive or have at any one

Duty of auditor and treasurer when application and bond filed.

Governor may designate same as State depository.

State and county officers may deposit State funds in State depository.

Amount to be received by depositor.

In case excess amount on hand, duty of bank.

No commission allowed for depositing funds.

Penalty for violation.

State depositaries to give receipts in duplicate.

Duty of officers making deposit auditor as to receipts.

time an amount of said monies or funds in excess of the face value of said bonds actually deposited by it with the State treasurer, nor in excess of the amount of its paid in capital stock, surplus and undivided profits. And if any bank or trust company designated as a State depositary by virtue of this act shall receive, or have on hand at the close of any day's business State funds or monies in excess of the amount it is herein authorized to receive or have at any time such depositary shall forthwith and at once remit such surplus direct to the State treasurer, and on failing to do so, it shall be the duty of the governor, upon the fact being certified to him by the State treasurer, or otherwise coming to his knowledge to forthwith direct the withdrawal by the State treasurer from such bank or trust company of said funds or monies, and the same being withdrawn he shall forthwith revoke the authority of such bank or trust company to be or continue a State depositary.

Sec. 5. That no officer or custodian of monies or funds of the State shall directly or indirectly receive any commission, interest or reward for depositing or causing to be deposited funds or monies of the State in any State depositary, and any officer or custodian who violates this section shall be guilty of a felony, and on conviction thereof shall be sentenced to the penitentiary for a term of not exceeding five years.

Sec. 6. That it shall be the duty of each State depositary to give to the officer placing funds or monies therein to the credit of the State treasurer a receipt therefor in duplicate, and such officers shall immediately mail to the State auditor a duplicate of the said receipt, and the State auditor shall upon receiving the same pass the amount therein mentioned to the credit of said officer and transmit the duplicate receipt to the State treasurer, who shall mail to the said officer a receipt for the same.

Sec. 7. That it shall also be the duty of each State depositary to report in writing at the close

of each business day to the State treasurer the total amount of all sums placed therein for his account on that day, by whom made and for what purpose made at the end of each calendar month a statement of the balance to the credit of the State treasurer in such State depositary shall be made by it to the governor, State auditor and State treasurer.

Duty of State depositaries to report to State treasurer.

Sec. 8. That the funds or monies so placed in such State depositary shall be held by it subject to the check or order of the State treasurer, and if any State depositary having funds or monies to the credit of the State treasurer, shall fail to pay any check drawn or order made by the State treasurer on such State depositary, or shall fail to faithfully account for all the State funds or monies that may have come into its possession, it shall be the duty of the State treasurer to forthwith sell the bonds deposited by it under the terms of this act, or a sufficient amount thereof to pay off and discharge any sum or sums in such State depositary to the credit of the State treasurer and which are unpaid together with the cost and expense of advertising a sale of the bonds. The State treasurer shall advertise the proposed sale of such bonds for ten days in a daily newspaper published in Montgomery, Mobile and Birmingham, and the sale shall be made in front of the capitol and at public outcry for cash.

Funds deposited subject to order of State treasurer.

In case of failure of depositary to pay order drawn by State treasurer or to account for moneys deposited therein.

Sec. 9. That upon the designation of any bank or trust company as a State depositary the bonds which are required by this act to be deposited with the State treasurer shall be registered bonds and in the name of the bank or trust company so depositing the same, and any sale of said bonds or part thereof authorized by this act to be made by the State treasurer shall when the sale is made and the purchase price paid have the effect of transferring to and vesting in the purchaser at such sale title to the said bonds so purchased, and the purchaser shall thereby be authorized to have the bonds so purchased by him registered in his own name.

Bonds deposited to be registered bonds.

Effect of sale by treasurer.

When bank
ceases to be
State deposi-
tary.

Sec. 10. That when any bank or trust company acting as a State depositary ceases, or desires to cease acting as such, it shall after making a full account of its transactions as State depositary and discharging all the obligations and liabilities imposed by this act and paying into the State treasury, any and all sums it may be liable for to the State treasurer or to the State, be entitled to withdraw the securities deposited by it, and thereupon its right to act as a State depositary shall cease and determine. But before any voluntary surrender of its designation such bank or trust company shall give at least thirty days notice to the governor, State auditor and State treasurer of its purpose to cease acting as a State depositary.

All costs and
risks in trans-
ferring funds
to be borne by
depositary.

Sec. 11. That any cost attending the designation of State depositaries and the transfer or removal of funds to or from any State depositary shall be at par and without any expense to the State. And when any funds or monies are transmitted or transferred by any State depositary upon the order of the State treasurer the same shall be, and continue at the risk of such depositary until it shall have reached the destination contemplated by the order.

Regulations
and collection
methods estab-
lished.

Sec. 12. That the governor, State auditor and State treasurer are authorized to establish such regulations and collection method, not inconsistent with the provisions of this act as they may deem necessary for the convenient transaction of business with State depositaries.

County and
State officers
not required
to deposit
funds in depos-
itaries.

Sec. 13. That nothing in this act shall be construed as requiring county or State officers to place State funds in State depositaries, and they may pay such funds into the State treasury as now provided by law. And the State treasurer by and with the approval of the governor, may place all such funds or any part thereof, so paid to him, or any other funds that he may have at any time on hand, in any one or more of the State depositaries under the same rules

and regulations governing other deposits made under this Act.

Sec. 14. That any State or county officer or State depository who shall violate any of the provisions of this act other than section five thereof, shall be guilty of a misdemeanor and may on conviction be fined not more than twenty-five hundred dollars and in addition to the fine such State or county officer may be removed from office. ^{Penalty for violation of act.}

Sec. 15. That this act shall go into effect immediately upon its passage and approval. ^{Effect.}

Approved March 4, 1907.

No. 244.)

AN ACT.

(S. 17.

To provide the manner in which any person, company or corporation owning or operating as a common carrier any railroad in whole or in part in this State may contest the validity or reasonableness, and fairness of any maximum rate established by statute to be charged by railroads for the transportation, originating and terminating within the State, of articles and have the same annulled or the enforcement thereof enjoined or restrained.

Section 1. *Be it enacted by the Legislature of Alabama,* That any person, company or corporation, owning or operating as a common carrier any railroad in whole or in part in this State, shall have the right to contest the validity or fairness and reasonableness of, and the right of the railroad commission of Alabama to enforce any rate or rates of compensation established by statute for the transportation, originating and terminating within the State, by any railroad in this State of any article or commodity, by filing a petition or complaint if such contest be instituted in a State court, in the circuit or chancery court of Montgomery county, Alabama, or other court in said county having concurrent jurisdiction with said circuit or chancery court, making ^{Manner of contesting validity of rates.}

the railroad commission of Alabama defendant therein, and alleging wherein the rate or rates complained of are invalid or unfair and unreasonable: and in said petition the validity, fairness or reasonableness of the respective rates or any number of articles or classes of articles may be contested. Said cause shall have precedence over any other action pending in said court, except criminal actions, and shall be tried under the same rules and regulations as are prescribed by law for the trial of civil actions in said court, except that the rates established by statute shall be prima facie presumed to be valid, fair and reasonable. If said court shall decide that the rate or rates complained of are invalid or unfair and unreasonable; it shall render a judgment or decree annulling and setting aside the same. The rate or rates complained of in said petition shall remain in force and be observed as the established rates for the period of thirty days after the rendition of said judgment; provided, however, that if the railroad commission of Alabama shall before the expiration of said thirty days sue out an appeal to the supreme court from said judgment or decree, and, after the suing out of said appeal, the appellee railroad company shall give the bond provided for in section 2 of this act, then immediately upon the giving of said bond the rate or rates complained of shall be suspended and shall remain suspended until the final decision of said cause by the supreme court.

Parties may
appeal to Su-
preme Court.

Sec. 2. Either party may appeal from the judgment or decree of the lower court to the supreme court of Alabama, the appeal to be taken within thirty days from the rendition of said judgment or decree, under the same rules and regulations as are prescribed by law for appeals from said court; except that the railroad commission of Alabama, if it shall appeal from a judgment or decree annulling any of said rates, shall not be required to give any security for the costs of said appeal, or to give any bond or

undertaking to supersede said judgment or decree. Said appeal of the railroad commission, without such bond, shall have the effect of superseding said judgment or decree, and the rates complained of or annulled by said judgment or decree shall be and remain the established rates for the transportation of all articles subject thereto, and shall be so regarded and observed until said judgment or decree is affirmed and the rates complained of annulled by the supreme court, unless the appellee railroad company shall file with the said railroad commission of Alabama a good and sufficient bond in the sum of twenty-five thousand dollars in cases where the railroad of the appellee within the State is less than fifty miles in length, and in the sum of fifty thousand dollars in cases where said railroad is more than fifty miles in length, conditioned to make and file with said railroad commission a sworn statement every three months pending said appeal, showing the article of freight subject to the rates complained of or annulled carried over its road during the preceding ninety days, together with the names of the shippers and consignees, the dates of shipment, the points of consignment and destination and the freights charged and received thereon; and conditioned to file an additional bond, of like amount and conditions, with said railroad commission whenever the difference between the aggregate freights charged and received for the transportation of said articles and the aggregate freights which it would have been entitled to charge and receive for such transportation if calculated or based on the rates complained of or annulled equals or exceed the penalty of said bond; and conditioned further to pay to the State of Alabama, in the event the said judgment or decree appealed from shall be reversed by the supreme court, said difference between the aggregate freights charged and received for the transportation of said articles and the aggregate freights

which it would have been entitled to charge and receive for such transportation if calculated according to or based upon the rates complained of or annulled, said bond shall be collectible by suit or otherwise only by the State of Alabama by direction of the governor. From the time the bond first mentioned is filed as aforesaid the judgment appealed from shall be operative and the rate or rates annulled by said judgment shall be suspended; provided, however, that a failure to file with said railroad commission the sworn statements provided for in this section, or any one of them, where more than one is required, within twenty days after the same shall be demanded in writing by said railroad commission, or a failure to give any additional bond in this section provided for when the same shall be legally required or demanded by said railroad commission, within fifteen days after notice or demand in writing to give such a bond, shall eo instanti again suspend said judgment appealed from, and the rate or rates annulled by said judgment shall be restored and enforced until the same shall finally be annulled by the supreme court. The notices or demands above provided for may be given by registered letter addressed to any superintendent or managing officer of the appellee railroad in this State or without the State. Said cause shall have precedence over any other cause in the supreme court and shall be advanced on the docket upon the application of either party so that the same may be given a speedy hearing.

Preliminary injunction of suspending or restraining any rates; how and when granted.

Sec. 3. No preliminary injunction or interlocutory order or decree, suspending or restraining any of the rates established by statute or the enforcement of said rates, or any of them, shall be granted by any judge except upon hearing after not less than five days notice to the railroad commission of Alabama. And no judge shall grant such injunction or interlocutory order or decree without requiring as a condition precedent to the issue thereof that the railroad com-

pany seeking the same shall execute and file with said railroad commission a good and sufficient bond in the sum of twenty-five thousand dollars, when its railroad within the State is less than fifty miles in length, and in the sum of fifty thousand dollars, when its railroad within the State is more than fifty miles in length, conditioned to make and file with said railroad commission a sworn statement every three months during the continuance of said injunction or restraining order, showing the articles of freight subject to the rates complained of or suspended carried over its road during the preceding ninety days, together with the names of the shippers and consignees, the dates of shipment, the points of consignment and destination and the freights charged and received thereon; and conditioned to file an additional bond, of like amount and conditions with said railroad commission, whenever the difference between the aggregate freights charged and received for the transportation of said articles, and the aggregate freights which it would have been entitled to charge and receive for such transportation is calculated according to, or based upon, the rates complained of or suspended equals or exceeds the penalty of said bond; and conditioned further to pay to the State of Alabama in the event of said injunction or restraining order shall for any reason be dissolved or vacated or cease to be operative the difference between the aggregate freights charged and received for the transportation of said articles shipped during the period said injunction or restraining order is in force and the aggregate freights which it would have been entitled to charge and receive for such transportation if calculated according to, and based upon, the rates complained of or enjoined said bond shall be collectible by suit or otherwise only by the State of Alabama, by direction of the governor. A failure to file with said railroad commission the sworn statements provided for in this section, or any one of them when more than

one is required or asked for, within thirty days after the same shall be demanded in writing by said railroad commission, or a failure to give any additional bond in this section provided for when legally required by said railroad commission, within fifteen days after notice or demand in writing to give such bond, shall ipso facto immediately vacate and render null and void said injunction or restraining order or decree, and the rates which, or the enforcement of which, were enjoined or restrained, shall at once be revived and in force without any further order of the court. The notices or demands above provided for may be given by registered letter addressed to any superintendent or managing officer of said railroad in this State or without the State.

Approved March 4, 1907.

No. 245.)

AN ACT.

(S. 86.)

To further regulate the doing of business in the State of Alabama by foreign or non-resident corporations, or corporations organized under or by authority of the law of any other State or government than the State of Alabama, and to fix a punishment for a violation thereof.

Foreign corporations must procure license; how.

Section 1. *Be it enacted by the Legislature of Alabama,* That after the first day of July, 1907, each foreign corporation, or non-resident corporation, or corporation organized under or by authority of the laws of any other State or government other than the State of Alabama, shall be required to procure from the secretary of State a license authorizing the doing of business in the State of Alabama by such corporation, which said license shall be prepared by and countersigned by the auditor of the State of Alabama and shall be delivered by said auditor to the secretary of State in a well bound book with a stub and blanks therein for showing the date thereof,

the names of the corporations and when issued, and the character or nature of business engaged in by said corporation, and for such licenses of said corporation shall pay to the secretary of State a fee of five dollars for the six months from July 1st, 1907, to January 1st, 1908, or any part of such time and thereafter ten dollars per annum or any part of a year.

Sec. 2. That said secretary of State shall keep a full and complete account of all moneys received by him for and on account of such license and shall pay the same into the State treasury as all other moneys collected or received by him are paid into said treasury.

Sec. 3. That it shall be unlawful for any such corporation mentioned in section one of this act, its agents, officers or servants to do or transact any business for or in the name of such corporation within the State of Alabama, without such corporation having first procured said license, and all contracts, engagements or undertakings or agreements with, by or to such corporation, made without a compliance with this act by the procurement of said license, shall be null and void.

Sec. 4. That after said first day of July, 1907, should any foreign corporation or non-resident corporation, or corporation organized under or by authority of the laws of any other State or government than the State of Alabama, doing business in the State of Alabama and having such license, on being sued in any of the courts of the State of Alabama file or cause to be filed in said court any petition, motion or plea, praying for or asking that said cause be removed to any federal court, or cause or procure the issuance of any writ, warrant, notice, citation or summons from any federal court removing said cause from said court to any federal court, the clerk of said court shall forthwith certify a copy of said petition, motion, plea, writ, warrant, notice, citation or summons to the secretary of

State, who shall thereupon immediately cancel said license and make and enter on the stub thereof an order in substance, "This license is cancelled for a violation of the act under which issued, by the removal of a civil cause from the court of this State to the federal court," date and sign the same, and a certified copy of which stub and order thereon under the seal of the office of the secretary of State shall be evidence of such fact in any of the courts of this State; provided, that no obligations then existing to the corporation or any contracts of the corporation then existing shall be affected by such cancellation.

After license cancelled contracts, etc., void.

Sec. 5. That after such license shall be so cancelled any contract, agreement, engagement or undertaking with or by or to such corporation shall be null and void.

After license once cancelled how another obtained.

Sec. 7. That after cancellation of such license as provided for in this act, it shall be unlawful for the secretary of State to again issue a license to such corporation to do business in this State until the said corporation shall pay to the said secretary of State for the use of the State a sum in cash equal to one-tenth of one per cent of the capital stock of said corporation and after such payment and the issue of such new license such corporation shall be thereby restored to the right to engage in and transact business in this State, but such new license shall be subject to forfeiture as herein provided.

Penalty for performing acts after license cancelled

Sec. 8. That any corporation or any person acting as agent, servant or officer of such foreign or non-resident corporation or corporation organized under or by authority of the laws of any other State or government other than the State of Alabama, who shall make or attempt to make any contract, agreement, undertaking or engagement for, with by or in the name of or for the use and benefit of any such corporation without such license, or after the same shall have been cancelled as provided in this act, shall be guilty of a misdemeanor and on conviction shall be fined not

less than one hundred dollars nor more than one thousand dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months one or both at the discretion of the jury trying the case; provided, that it is not intended hereby to interfere with or prohibit the transaction of interstate business authorized under the laws and constitution of the United States.

Sec. 9. That all laws and parts of laws in Repeal conflict herewith are hereby repealed.

Approved March 4, 1907.

No. 246.)

AN ACT.

(S. 228.

To make an appropriation for the repair, building and maintenance of the confederate soldier's home at Mountain Creek, Alabama.

Be it enacted by the Legislature of Alabama: Amount appropriated and for what purposes.
That the following appropriations are hereby made out of the treasury of the State of Alabama out of funds on hand not otherwise appropriated the following amount for the purposes named above.

1. For building eight servants houses	\$2000.00
For repairs and insurance on buildings	2000.00
For the maintenace of inmates and the payment of cooks and other necessary labor per capita	150.00
per annum for each inmate in the home at the beginning of each quarter payable at the beginning of each quarter on the order of the executive committee of the board of control. For the payment of the salaries of the officers of the home as follows:	
Commandant per annum	\$1200.00
Adjutant	600.00
Resident physician	600.00
For hospital help	1000.00
Payable at the beginning of each quarter on the	

Manner of
paying
same.

order of the executive committee. For payment to the inmates of the home the sum of one dollar per month each, so long as they are inmates, payable at the beginning of each quarter on the order of the executive committee of the board of control.

Sec. 2. The auditor is hereby authorized to draw his warrant on the State treasurer in favor of the commandant and treasurer of the soldier's home at Mountain Creek upon the certificate of the executive committee of the board of control of said soldier's home for the amounts herein appropriated.

Approved March 5, 1907.

No. 247.)

AN ACT.

(S. 346.

To amend an act to amend section 4457 of the Code of 1896, approved March 5, 1901.

Convict In-
spectors; sal-
ary of.

Section 1. *Be it enacted by the Legislature of Alabama*, That an act entitled an act, to amend section 4457 of the code of 1896, approved March 5, 1901, be amended so as to read as follows: 4457. Salaries and expenses of officers. The salary of the president of the board of inspectors shall be three thousand dollars (\$3,000) per annum, and the salary of the physician inspector and the associate inspector shall be twenty-four hundred dollars (\$2400) per annum each, and the president and the inspectors shall receive traveling expenses while absent from their place of residence on official duty; the salary of the chief clerk of the board shall be eighteen hundred dollars (\$1800) per annum and the associate clerk fifteen hundred dollars (\$1,500) per annum, and a stenographer seven hundred and fifty dollars (\$750) per annum, the chaplain, fifteen hundred dollars (\$1,500) per annum, and for assistants to the chaplain, five hundred dollars per annum in aggregate; and each of said

Clerical as-
sistants;
salary of.

officers shall be reimbursed his traveling expenses when absent from his residence, incurred in the actual discharge of his official duty; and all accounts shall be itemized and verified by oath. Traveling expenses.

Section 2. That the salaries provided for in this act shall be paid as now provided by law. How paid.

Sec. 3. That all laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal.

Approved March 4, 1907.

No. 248.)

AN ACT.

(H. 372.)

To authorize cities, towns, and other municipal corporations to make certain improvements on the sidewalks, streets, avenues, alleys, highways, or other public places of such city, town, or other municipal corporation; to construct sewers; to assess the cost of such improvements, or any part thereof, upon the property abutting such street, avenue, alley, highway, or other public place or drained by such sewers, or against the right of way of any railroad so improved or drained by such sewers; to make such assessments a lien on such property, and to regulate appeals from such assessments; to provide methods for the enforcement of such lien, and the payment of such assessment and penalties; and to authorize the issue of bonds to pay for such improvements.

Section 1. *Be it enacted by the Legislature of Alabama,* That all cities, towns, and other municipal corporations in this State shall have power and authority to design or cause to be designed, contract for, and to execute, or cause to be executed the construction or improvement, or the reconstruction or re-improvement of any street, avenue, alley, highway or other public place, or any sidewalk thereon by filling, grading, leveling, graveling, slagging, macadamizing, Power to improve streets, alleys, etc.

Expense &
costs; how
assessed.

curbing, guttering, paving, or otherwise improving the same, in such manner and with such material as the mayor and aldermen, or other governing body, of such city, town, or other municipal corporation may prescribe; to construct or reconstruct any drain or drains, sanitary or storm water sewer or sewers; sanitary and storm water sewer systems, either combined or separate; to lay out establish and define storm water and sanitary districts or either, and to provide for the drainage thereof, and to build or construct or rebuild or reconstruct, outlets for such sewer or sewer systems, either within or without the corporate limits, and to cause the cost and expense of all, or any part of the aforesaid works and improvements to be assessed against the property abutting on said street, avenue, alley, highway or other public place so improved or drained by said sewer or sewers to the extent of the increased value of such property by reason of the special benefits derived from such improvements.

Meaning of
term, Mayor
and Alder-
men.

Meaning of
term, City
or Town.

Board of
Public
Works.

Sec. 2. That the term mayor and aldermen as hereinafter used shall mean the mayor and aldermen of a city, town, or other municipality, when in session for the transaction of business, and shall include mayor and councilmen, or other governing body of such municipality, including a board of public works where such city, town, or other municipality has by its charter such a board. The term city or town shall include any municipality incorporated under the laws of the State of Alabama. Wherever a municipal corporation has, in addition to its general council or other general governing body, a board of public works which by the charter of said town or city is charged with the care, maintenance and improvement of streets, storm sewers and drains, then and in that event the powers herein declared shall be divided between said board of public works and said general council, or other governing body, in harmony with the general system of the charter of said town or

city in reference to the division of authority and duty between the board of public works in the one hand and the general council, or other governing body of the city on the other.

Sec. 3. That when the mayor and aldermen of any city or town shall determine to construct or improve any street, avenue, alley, sidewalk, highway, or other public place, or to make any other improvement or undertake any work hereinbefore authorized, the cost of which, or any part thereof, it is proposed to assess against the property abutting on or drained by said improvement it shall adopt an ordinance or resolution to that effect, describing the nature and extent of the work, the general character of the materials to be used, and the location and terminal points thereof, and the streets, avenues, alleys, or other highways, or parts thereof, and shall direct that full details, drawings, plans, specifications and surveys of said work and estimates be prepared by the city engineer, or such other person as may be designated in such ordinance or resolution, or the said mayor and aldermen may adopt plans for such work already prepared. When the contemplated improvement is a storm water or sanitary sewer or sewers, or a storm water or sanitary sewer system, such resolution or ordinance shall establish or describe the territory or area to be drained by such sewer, or sewers, or sewer system, and define the same by naming the streets, avenues, alleys or other lines by which the same is bounded.

Ordinance to be adopted providing for improvement; what must contain.

Sec. 4. That such details, drawings, plans, specifications, surveys, and estimates shall when completed, be placed on file in the office of the city engineer, or other officer designated in such ordinance or resolution, where property owners who may be affected by such improvement may see and examine the same, and the said ordinance or resolution shall appoint a time when the mayor and aldermen of such city will meet, which shall be not less than two weeks after the date of the first publication of said ordinance or resolu-

Details, specifications, etc., filed; and to be open for examination.

Ordinance to appoint time for meeting to hear objections.

Ordinance to be published.

Person may appear and object to proposed improvements.

Ordinance may be amended or rescinded.

Mayor and Aldermen authorized to pay portion of cost.

tion, to hear any objections or remonstrances that may be made to said improvement, the manner of making the same or the character of the material to be used. Said ordinance or resolution must be published once a week for two consecutive weeks in some newspaper published in said city or town, and if no newspaper is published in said city or town, it may be published either in a newspaper of general circulation in said city or town, or by posting for two weeks in three public places in such city or town.

Sec. 5. That at said meeting, or at a place and time to which the same may be adjourned, all persons whose property may be affected by the proposed improvement, may appear in person, or by attorney, or by petition, and object or protest against the said improvement, the material to be used and the manner of making the same, and the said mayor and aldermen shall consider such objections and protests, if any, and may confirm, amend, modify or rescind the original ordinance or resolution. But if objection to the proposed improvement be made by a majority in frontage of the property owners to be affected thereby, when the proposed improvement is to be assessed against the property fronting or abutting any street, avenue, alley or sidewalk thereon, or by a majority in area of the property owners, when the proposed improvement is to be assessed against the property comprising a sewerage, drainage, or improvement district, the improvement shall not take place, unless ordered by a two-thirds vote of those elected to the office of the mayor and aldermen. The mayor and aldermen shall have the authority to pay out of the general funds of the city or town, or any special fund that may be provided for that purpose, such portion of the cost of the proposed improvement as they see proper. The cost of any improvement contemplated by this act shall include the expense of the preliminary and other surveys, and the inspection and superintendence of such work; printing and publishing the notices, reso-

lutions, and ordinances required, including notice of assessment, the cost of construction; preparing bonds; interest on bonds, when bonds have been issued in anticipation of the collection of the assessment; and any other expense necessary for the completion of such improvement.

Sec. 6. Before the passage of the final resolution or ordinance to make any improvement on any street, avenue, alley, or sidewalk the cost of which or any part thereof, is to be assessed to the abutting property, if the grade of such street, avenue, alley, or sidewalk has not already been established, or if said improvement necessitates a change of grade, the mayor and aldermen shall by ordinance fix and establish the grade of such street, avenue, alley or sidewalk about to be improved, and also the grade of the curb on each side thereof.

Grade of sidewalk and curb; how fixed.

Sec. 7. That if the mayor and aldermen shall finally order the making of the proposed improvement, or improvements, notice shall be given asking for bids for such work, which notice shall be given in such manner and for such time as may be prescribed by the mayor and aldermen, and the said municipal authorities may, if a satisfactory bid be received, let the contract to make such improvement, or improvements, and if no satisfactory bid is received the mayor and aldermen may advertise for other bids, or may let the contract to as satisfactory bidder without further advertisement, or the city or town may itself construct improvement, or furnish labor or material for the same; and the said municipal authorities may by order impose further conditions upon bidders with regards to bonds and surety for the faithful completion of such work, according to contract, or for any other purpose mentioned in the specifications.

Notice for bids.

May let contract.

Sec. 8. That all work done or improvements made under the provisions of this act shall be done under the supervision of the city engineer or other superintendent appointed for that purpose by the mayor and aldermen of such city or

City engineer to have supervision of work.

Power and authority to assess cost against abutting property.

town. In case of any controversy or dispute the mayor and aldermen shall be invested with sole and exclusive power to determine whether any improvement constructed under the provisions of this act has been completed in accordance with the terms of the contract therefor, and to accept or reject such work on the part of the municipality.

Sec. 9. That if said improvement be finally ordered and constructed, the mayor and aldermen shall have power and authority, after completion and acceptance thereof, to assess the cost of constructing said improvement or any part thereof, upon and against the property abutting on any street, avenue, alley, highway, or other public place so improved, or drained by such sewer or sewers to the extent of the increased value of such property by reason of the special benefits derived from such improvements; when said improvement consists of a sanitary or storm water sewer or sewers, or a sanitary or storm water sewer system, the cost, or any part thereof, may be assessed against all the lots or parcels of land lying within the district drained, but the assessment shall not exceed the increased value of such property by reason of the special benefits derived from the improvement. Where a street, avenue or other highway intersections are improved, the cost of improving the intersection, or any part thereof, may be assessed against the lots or parcels of land abutting on said street, avenue, alley, or other highway so intersecting, for a half block in each direction. Provided, however, in case of sidewalk improvements, including curbing, the cost or any part thereof, of the improvement of the street or avenue corner may be assessed against the lots abutting on or nearest said improvement, and the entire cost or any part thereof, of the improvement at the intersection of any alley with a street or avenue, or other highway, may be assessed in fair proportion against the respective lots or parcels of land abutting or cornering on the alley at such inter-

section; provided, however, that in no case shall the assessment against any lot or parcel of land be greater than the increased value of such lot or parcel of land by reason of the special benefits to be derived from such improvement. Provided, that should there be a street, electric or other railroad track, or tracks, or any street or highway improved, or re-improved, under this act, the cost of such improvement, except storm water and sanitary sewers, between the tracks and the rails of the tracks, and in case there are two or more tracks, the space between such tracks, and eighteen inches on each side of the tracks, including switches and turnouts shall be paid by the owner of the railroad, and shall be assessed against and form a lien on said railroad, and the property connected therewith, and in the event a storm water sewer be constructed which drains streets or avenues or rights of way on which be a street, electric, or other railroad whether the same be a continued or separate system there shall be assessed against such railroad a fair and just proportion of the cost of construction of such sewer to be determined by the mayor and aldermen, and such assessment shall be a lien like other assessments and may be collected in like manner; provided further that the mayor and aldermen may require the owners of such street railroad, or other railroad, to prepare or reconstruct its tracks for the receipts of such paving or other improvements in a manner satisfactory to the mayor and aldermen.

Sec. 10. That when any improvement made under the provisions of this act is completed, the mayor shall cause to be prepared a roll or list showing the names of the property owners and opposite each name a description of each lot or parcel of land proposed to be assessed for such improvement belonging to such owner, or owners, and the amount proposed to be assessed against each lot or parcel of land such list shall be entered in a well bound book, prepared for that purpose, and shall contain appropriate col-

When im-
provements
completed
Mayor has
list showing
names, etc.,
of property
owners pre-
pared.

Book delivered to City Clerk; notice given by him; what must contain.

umns in which payments may be credited, and the lien of the assessment satisfied by the proper officer of the municipality; said book shall be known as the "Assessment Book for Local Improvements," and shall be a public record no error or mistake in regard to the name of the owner shall be held to invalidate any assessment, and it shall be sufficient if the name of the last owner as shown by the record in the office of the probate judge of the county is shown in said book. After the completion of the proper entries of each improvement said book shall be delivered to the city or town clerk, who shall thereupon give notice by publication one time in some newspaper published in said municipality or of general circulation therein, that said assessment roll or list has been delivered to him, and is open for inspection in the office of the person authorized to make collection of said assessments, and at a time and place therein named (not less than twenty days from the date of publication), the mayor and aldermen will meet to hear and determine any objections or defense that may be filed to such assessment or the amount thereof. Said notice shall also state the general character of the improvement, the terminal points thereof, and the streets, avenues, alleys or other highways, or portions thereof, along which the improvement has been constructed, and if the improvement made consist of a sanitary or storm water sewer or sanitary or storm water sewer system, said notice shall also describe the territory or area drained by said sewer or sewers, by naming the streets, avenues, alleys or other highways, or other lines, by which said district is bounded. If there be a defect in said notice, or proceedings, before or subsequent to said notice, with respect to one or more interested persons, the same shall not affect such notice or proceedings, except in so far as it may touch the interest or property of such person, or persons, and shall not avail any other person concerned therein. In case of such defect, supplementary proceedings

of the same general character as those hereinbefore prescribed may be had in order to supply such defect.

Sec. 11. That the owners of any real estate or Owners may
any interest therein, which it is proposed to as- file protests
sess for the cost, or any part thereof, of said im- to proposed
provement, may appear at any time on or before assessment.
the date named in said notice or at said meeting
and file in writing with the city clerk or in his
office, any objections or defense to the proposed
assessment against said property, or to the
amount thereof, and persons who do not file ob-
jections in writing, or protests against such as-
sessment, shall be held to have consented to the
same. The mayor and aldermen shall hear and
pass upon all objections and protest against the Mayor and
proposed assessment, under such reasonable Aldermen to
rules and regulations as they may adopt, and the hear and de-
mayor and aldermen, by the mayor or other ex- termine same.
ecutive officer, shall have authority to issue sub-
poenas for witnesses to appear before the mayor
and aldermen, or any committee thereof, and to
administer oaths to the witnesses to be examined
and at such meeting, or any adjourned meeting
shall proceed by order or resolution to fix the
amount of the assessment against each lot or
tract of land described and included in said as-
sessment roll, and all such assessments, from
the date of such order or resolution shall be and
constitute a lien on the respective lots or parcels
of land upon which they are levied, superior to
all other liens, except those of the State and
county for taxes. The mayor and aldermen of
such city or town shall have power and author- Mayor and
ity to transfer and assign such liens to the con- Aldermen
tractor or contractors, who made said improve- have power
ment, or to any other person. In addition to the to transfer
method hereinafter provided for the collection of such liens.
such assessments, the chancery court, or other
court of like jurisdiction, shall have power to en-
force said liens, and in all suits which may be
brought to enforce said liens, either by the mayor
and aldermen or its assigns, the complainant

shall recover the amount of such assessment, with interest thereon, and the cost of such proceedings. The enforcement by the State, county, city or town of its lien for taxes on any lot upon which has been levied an assessment for any improvement authorized by this act, shall not operate to discharge or in any manner affect the lien of the municipality for said assessment, but a purchaser at a tax-sale by the State, county, city, or town of any lots or parcels of lands upon which an assessment has been levied, shall take the same subject to such assessment. Nor shall the enforcement by the municipality of its lien for an assessment levied for one improvement, by the sale of the property, operate to discharge or in any way affect the lien of any other assessment for a different improvement on the same property, but the purchaser at such sale shall take subject to the lien of all other assessments, and the right of the municipality to enforce the same.

Parties may
appeal from
decision of
Mayor and
Aldermen.

Sec. 12. That any person aggrieved by the decision of the board of mayor and aldermen in making any assessment, may, within twenty days thereafter, appeal to the circuit court, or any other court of like jurisdiction, upon executing a bond in double the amount of such assessment and the probable cost of the appeal. The amount of such bond shall be fixed, and the sureties thereon shall be approved, by the mayor, and the said bond shall be conditioned to prosecute said appeal to effect and to pay the city or town any judgment that the circuit or other court may render, and all damages that any person may suffer by such appeal. Said appeal shall be docketed in said court, and shall be a preferred case therein. Upon the filing with, and the approval of the appeal bond by the mayor, the clerk, upon notice thereof, shall immediately send to the clerk of the circuit court, or other court to which the appeal may be taken, a transcript of all the proceedings of the mayor and aldermen, relating to such assessment, so far as the same concerns

the property of such appellant; such transcript shall contain a description of the property of such party or parties, the same to be described as accurately as may be, according to the mayor of the city or town in common use if there be such map; the name of the owner or owners of such property, and the amount of the assessment. Upon hearing such appeal, the introduction of such transcript and papers shall be *prima facie* evidence of the correctness of such assessment, and that said property and persons are justly indebted to the city or town for the amount of the said assessment; said cause may be tried on the record, without other pleadings, and the court shall hear all the objections of the property owner or owners, to said assessment and the amount thereof; and shall determine whether or not such assessment exceeds the increased value of such property by reason of the special benefits derived from the improvement and shall render judgment accordingly. If, on the hearing of such appeal, it shall appear that by reason of any technical irregularity or defect in the proceedings, the assessment has not been properly made against the lot or parcel of land sought to be charged, the court may, nevertheless, on application of the city or town, upon satisfactory proof that expense has been incurred which is a proper charge against the lot or land in question, render judgment for the amount properly chargeable against said lot or land; but in such cases the court shall make such order for the payment of the costs as may be deemed proper. An appeal may be taken to the supreme court of Alabama by any person interested in said property, from the decree rendered by the said court, within thirty days from the date of such decree, upon giving bond for costs of appeal, or if supersedeas be desired, upon giving further bond in such sum as the judge of said court may prescribe, payable to the city or town, with sufficient sureties, to be approved by the clerk of said court, conditioned to pay such judgment or perform such judg-

ment or decree as the supreme court may render in the premises, and all such costs and damages as the city or town may have sustained if the judgment is affirmed. Such appeal shall be heard upon the record and bill of exceptions reserved by the party taking such appeal, setting out such of the evidence as may be necessary to a fair presentation of the case, and must be affirmed or reversed as may seem proper to the supreme court in the event a supersedeas bond has been given and the said case is affirmed by the supreme court it shall add to the judgment rendered by the lower court, interest thereon and ten per centum damages for delay. The city or town may also appeal from any decree of the said circuit court, or other court, without giving bond; and all appeals taken pursuant to this act shall be preferred cases in the supreme court. In the event a final judgment is rendered in favor of the city or town, execution may be issued thereon against the principal and sureties on the appeal bond, unless the amount of the judgment or decree is paid within five days from the date of such judgment, and the court shall, by further order decree that the property assessed be sold to satisfy such judgment. Nothing contained in this section shall operate to release or discharge the lien on such property, until the assessment is fully paid.

Manner of paying cost of improvement assessed against abutting property.

Sec. 13. That it shall be lawful for the mayor and aldermen when ordering any local improvement the cost of which or any part thereof, is to be assessed against the property abutting on any street, avenue, alley, highway or other public place so improved or drained by such sewer or sewers to provide that the same shall be paid in cash within thirty days after the final assessment, provided, the cost of such improvement does not exceed one thousand dollars but if the total cost of said improvement is greater than such sum, any property owner may, at his election, to be expressed by notifying the city official charged with the duty of collecting such assess-

ments in writing within thirty days after the assessment is made final, pay the said assessment in ten (10) equal annual installments which bear interest at not to exceed eight per centum (8%) per annum, payable annually. Any person may pay the whole assessment against any lot or parcel of land within thirty days from the time the assessment is made; and he shall have the right at any installment period to pay the assessment in full, by paying the full amount of the installments, together with all accrued interest thereon, and upon the payments of an additional sum equal to six months interest at eight per centum (8%) per annum on the amount of said assessment so paid before maturity as a penalty; should the property owner desire to pay off the deferred installments between the dates on which they are due, he shall pay interest on the same until the succeeding installment period, and together with the penalty above described. The first installment shall be payable within thirty days after the assessment is made final, and all assessments or installments thereof shall be payable at the office of the clerk, tax collector or treasurer of the city or town, as the mayor and aldermen may prescribe, and all assessments or installments thereof shall bear interest at not exceeding eight per centum (8%) per annum after the expiration of thirty days from the date on which the same is made final; which interest shall be due and payable at the time and place the assessment or installment is due and payable. In all cases where the property owner does not elect to pay in installments, or having elected to pay in installments, fails to pay the first installment in thirty days from the date of the assessment, he shall be held to have waived the right to pay in installments and the entire assessment shall at the expiration of said thirty (30) days become due and payable.

Sec. 14. That if the property owner who has not elected to pay his installments, fails to pay his assessment within thirty (30) days, or hav-

Failure to pay
assessment or
installments.

Property
may be sold
for such
failure.

Notice
required.

Property
owner may
pay assess-
ment and
cost before
sale.

ing elected to pay in installments, fails to pay the first installment in thirty (30) days from the date of the assessment or make default in the payment of any annual installment or the interest thereon, the whole of such assessment shall immediately become due and payable, and the officer designated by the mayor and aldermen to collect such assessments shall proceed to sell the property against which the assessment is laid to the highest bidder for cash; but he shall first give notice by publication once a week for three (3) consecutive weeks in some newspaper published in the city or town of general circulation therein, of the date and time of such sale, and the purpose for which the same is made, together with a description of the property to be sold. But any property owner notwithstanding his default may pay the assessment with interest and all costs if tendered before a sale of the property. The cost of such advertisement and sale shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale. And the officer making such sale shall execute a deed to the purchaser, which shall convey all the right, title and interest which the party against whose property the assessment is made, had or held in said property at the date of making such assessment or of the date of making such sale. Any surplus arising from said sale shall be paid into the city treasury, to be kept as a separate fund by the treasurer for the owner upon the responsibility of his official bond. The mayor and aldermen may by its agent purchase real estate sold as provided under this section, and in the event of such purchase the deed for the same shall be made to the town or city. Such property may be redeemed by the owner, or his assigns or other person authorized to redeem property sold for taxes by the State of Alabama, within two years from the date of the sale by paying to the purchaser or the city treasurer for him, the amount for which the property was sold with interest thereon at

the rate of fifteen (15%) per centum per annum from the date of sale, together with a fee of five dollars for the expense of a conveyance. No mistake in said publication in the description of the property, or in the name of the owner shall vitiate the assessment or the lien, and if, for any reason, the sale made by the city or town shall be ineffectual to pass title, it shall operate as an assignment of the lien, and upon the request of the purchaser, supplementary proceedings of the same general character as herein required may be had to correct the errors in said proceedings for his benefit, or the lien so assigned to him may be enforced in equity.

Sec. 15. That for the purpose of providing funds to pay the cost of any improvement authorized to be made under the provisions of this act, the mayor and aldermen of any city or town or other municipality may, before the contract is let for such improvement issue bonds within the limitations prescribed by the Constitution, in such amount as may be necessary, not to exceed the total cost of the improvement as estimated by the city engineer, or other person appointed by the city or town to make the preliminary surveys and estimates for such improvement; Provided, however, that the mayor and aldermen may borrow money on the faith and credit of the city or town, executing the note of the city or town therefor, and pledging as security for such loan the proceeds of the proposed assessments to be thereafter made as provided in this act, and such sum or sums so borrowed, the mayor and aldermen may advance for the construction of such improvements, and after the completion thereof, and upon the expiration of thirty days (30) after the assessment for the cost of such improvements shall have been made final, the mayor and aldermen may then issue and sell bonds for such an amount as may be necessary, after deducting the amount paid by property owners, to pay the cost of said

Mayor and Aldermen authorized to issue bonds for improvements.

May borrow money.

Bonds, how
payable, etc.

Rate of inter-
est not to ex-
ceed 8%.

improvements, including such amounts as may have been borrowed for the purpose, and all interest and other expenses incurred for the construction of said improvement.

Sec. 16. That said bonds shall be negotiable and payable to bearer, and may be payable in lawful money or gold coin of the United States as the mayor and aldermen may prescribe, and by the ordinance providing for the issue of such bonds full provisions shall be made for their form, and character, said bonds shall have coupons attached to represent the interest thereon, and the mayor and aldermen may provide that such bonds may be changed from coupon to registered bonds, or vice versa. Said bonds shall be in such denomination as the mayor and aldermen may direct not to exceed one thousand dollars and not less than fifty dollars each. They shall bear interest at not to exceed eight per centum (8%) payable annually, at such place or places as may be designated therein. They shall be issued under the corporate seal of the city or town, and shall be signed by the mayor, and the treasurer thereof, and shall be disposed of at not less than par, but the mayor and aldermen may provide in the ordinance or resolution ordering the construction of any improvement, or by subsequent order, that the bonds to be thereafter issued to pay for such improvement, may upon the completion and acceptance of such work, be issued to the contractor at not less than par, in payment or part payment of the contract price for such work. The said bonds shall be payable ten (10) years from their date, but any bond or bonds so issued and sold shall at the option of the city or town be payable at any interest period, but in event the city or town should elect to pay off any such bond or bonds before maturity, it shall pay as a bonus to the holder thereof a sum equal to one-half the annual interest thereon, and the city or town shall give public notice of its intention to redeem said bond or bonds, describing the same by number and series, by publication once a week for three

consecutive weeks in a newspaper published in said city or town, or of general circulation therein.

Sec. 17. That any city or town having a population of less than six thousand and not excepted from the provisions of the constitution prescribing the limit of indebtedness which may be incurred by cities and towns of less than six thousand inhabitants, and having existing indebtedness of such an amount as would preclude such city or town from issuing improvement bonds of the character above described, may notwithstanding such indebtedness, issue such bonds, but the same shall be a lien or charge only against the property improved and against the fund collected from the assessments levied against the property improved; and shall not be the general obligation of the city or town, nor shall such city or town be in any way liable to the holders of such bonds in case of failure to collect the same. Such last described bonds when issued shall convey and transfer to the owners thereof, all right, title, and interest in and to the assessment, and the lien upon the respective lots or parcels of ground herein provided for, which liens and assessments shall stand as security for such bonds and coupons until they are paid, with full power in the holder of such bonds or coupons to enforce the collection thereof by foreclosure in any court of competent jurisdiction: Provided, that the first bond or coupon holder who institutes a foreclosure suit in any court against any property assessed, shall only be entitled to have the proceeds of said suit applied pro rata to the payment of his own bonds and the bonds held by others, so that not more than one foreclosure suit shall be brought against any one lot or parcel of land.

Sec. 18. That the proceeds from the sale of bonds authorized to be issued by this act shall be applied only to the payment of the cost of improvement designated in the ordinance providing for their issue, but should there be any sur- What proceeds of sale of bonds applied to.

Does not effect power of Mayor and Aldermen to compel property owners to repair sidewalks.

Mayor and Aldermen have power to acquire by condemnation or purchase lands, etc.

Ineffective as to special or local laws.

plus from any bond issue over and above such cost, it may be applied to the cost of other improvements, the cost of which shall be assessed and collected as herein provided for.

Sec. 19. That nothing in this act shall be construed as to take from the mayor and aldermen of any city or town, or in any manner affect the power and authority to compel property owners by penal ordinance or otherwise, to repair the sidewalks in front of their property in such manner, and with such material, as may be directed and under the supervision of the city engineer or other officer or agent of the city, or to cause such repairs to be made at the expense of the property owners.

Sec. 20. That whenever in the judgment of the board, it may be necessary or expedient for the carrying out and full exercise of the powers hereby granted, the mayor and aldermen shall have full power and authority to acquire by purchase and condemnation the necessary lands, or rights, or easements, or interest herein, thereunder and thereover, and may proceed to condemn the same in the manner provided by the general laws of this State governing the taking of lands or the acquiring an interest therein for the uses for which private property may be taken; and such proceedings shall be governed in every respect by the general laws of the State, pertaining thereto.

Sec. 21. That this act shall not operate to modify, alter or repeal any special or local laws applicable to particular towns and cities of this State, and relating to or authorizing the making of local improvements at the expense of the owners of property benefitted thereby, but all such cities and towns, in addition to the powers already granted them, shall have and may exercise at their election, the powers and authority granted by this act to municipal corporations of this State.

Approved March 5, 1907.

No. 249.)

AN ACT.

(H. 330.)

To establish an immigration board for the State of Alabama, to define its duties, to appropriate money to pay the expenses for carrying out its provisions, to provide for the appointment of an immigration commissioner, to define his duties and to fix his compensation.

Section 1. *Be it enacted by the Legislature of Alabama,* That the immigration board for the State of Alabama is hereby created, to consist of the governor, who shall be chairman of said board, the commissioner of agriculture and industries, and one immigration commissioner.

Immigration Board created; members of.

Sec. 2. *Be it further enacted,* That the immigration commission shall be appointed by the governor and shall hold office for four years, unless sooner removed by the governor, and shall receive for his compensation twenty-four hundred dollars per annum, payable monthly in the same manner as other State officers are paid, and he shall enter into a good and sufficient bond in the sum of five thousand dollars, payable to the State of Alabama, for the faithful performance of his duty.

Immigration Commission appointed by Governor; term of office and salary of.

Bond of.

Sec. 3. *Be it further enacted,* That the immigration commissioner shall from time to time cause the publication of circulars of information, and hand-books on the resources of the State and shall have charge of all work looking to the promotion of immigration into the State of Alabama with the collection and publication of information in English and such foreign languages as the immigration board may designate, in regard to localities, climate, resources and advantages which the State of Alabama has to offer to every good class of immigrants, and more specifically to the inducement of capital and desirable immigration by the dissemination of information relative to the advantages of soil and climate and to the natural resources and industrial opportunities offered in this State.

Duties of as to publication of circulars and hand-books.

Required to collect and information as to the lands of the State, etc., etc.

Immigration Board may co-operate with other parties to aid immigration interests.

Hand book; what must contain.

Sec. 4. Be it further enacted, That he shall also collect from the farmers, and land owners of this State and list information as to the land, stating the number of acres, location, the terms upon which they may be bought, leased, or shared to desirable settlers. That a land registry shall be kept and in connection therewith, from time to time, publication shall be made descriptive of such listed agricultural, mineral, forest and trucking lands and factory sites as may be offered to the department for sale or share, which publication shall be in attractive form setting forth the county, township, number of acres, names and addresses of owners, and such other information as may be helpful in placing inquiring home-seekers in communication with land owners. Provided, that all expenses incurred by this section shall be paid by the party or parties whose land or property is so advertised.

Sec. 5. Be it further enacted, That the immigration board is empowered to make such arrangements with any corporation, firm, association or individuals as may desire to co-operate in any way with the board as may best serve the interests of successful immigration into the State of Alabama; and may send an agent to any part of the United States, or foreign country for the purpose of inducing immigration into Alabama, and make such arrangements with railroads and oceanic steamers as may be necessary to carry out the provisions of this act; provided such corporations, firms, associations or individuals so co-operating with the board shall pay the expenses in carrying out the provisions as herein set forth in this section.

Sec. 6. Be it further enacted, That the commissioner shall collect and collate in the form of a hand book of the State to be issued when practicable, information showing the nature and industrial resources and advantages of the State of Alabama, dealing with soil, climate, raw and manufactured products, agricultural and horticultural products, textile fabrics, manufacturing

industries, mines and mining, native woods, means of transportation, cost of living, the market and all material social advantages for those seeking homes and investments in agricultural or manufacturing industries. That in order to facilitate the collection and collation of exact information about the resources of the State on all lines, the heads of the several departments of the State and county governments and of the State institutions are hereby required to furnish as far as practicable such information as may be at their command to the immigration commissioner when called upon for the same.

Sec. 7. Be it further enacted, That the immigration board shall use all lawful means to prevent the induction into this State of immigrants of an undesirable class, and to this end, shall investigate the conditions of the applicants for admission through the department, so as to discourage the coming in of persons of an anarchistic tendency, of paupers, of persons suffering with contagious or communicative diseases, of cripples, without means and unable to perform mental or physical service, of idiots, lunatics, persons of bad character, or of any persons who are likely to become a charge upon the charity of the State, and all such as will not make good and law abiding citizens.

Sec. 8. Be it further enacted, That immigrants shall be sought from desirable white citizens of the United States first and then citizens of English speaking and Germanic countries, France and the Scandinavian countries, Belgium as prospective citizens of this State, and conformable with the laws of the United States.

Sec. 9. Be it further enacted, That it shall be unlawful for any person, firm, association or corporation to bring or cause to be brought into the State of Alabama, any immigrants from any foreign country in any other way than through the department of immigration board, and any such person, firm, corporation or association who shall violate the provisions of this act shall be

Immigration Board to use all lawful means to prevent undesirable immigrants coming into State.

What countries immigrants desired from.

Unlawful for parties to bring immigrants into State except through Department of Immigration.

Traveling ex-
penses of
Immigration
Commission;
how paid.

guilty of a misdemeanor and upon conviction shall be fined not less than \$1000.

Sec. 10. Be it further enacted, That for the purpose of carrying out the provisions of section 3, of this act, so far as it relates to the encouragement of immigration to this State, traveling expenses of the immigration commissioner when necessary and acting under the directions of the immigration board, there shall be appropriated out of the general funds the sum of five thousand dollars annually, or so much thereof as may be necessary.

Immigration
Commission
under control
of Immigra-
tion Board.

Sec. 11. Be it further enacted, That the immigration commissioner shall be under the supervision and control of the immigration board and shall not bring or cause to be brought into the State any immigrants, nor make any contract under section 4, of this act, without the consent and approval of said board.

Annual report
required.

Sec. 12. Be it further enacted, That the immigration commissioner shall make and submit to the governor, on or before the tenth day of January of each year, a report covering the department's work of the preceding year, and such report shall be printed and treated in the same manner as other public documents or as shall otherwise be ordered.

Repeal.

Sec. 18. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 4, 1907.

No. 250.)

AN ACT.

(H. 764.

An act to provide for the employment and pay of a servant for the supreme court.

Chief Jus-
tice to em-
ploy servant.

Section 1. *Be it enacted by the Legislature of Alabama:* That the chief justice of the supreme court be and he is hereby authorized to employ one servant to wait upon the supreme court and

and have the care of its court room, library and consultation rooms, and to pay him not exceeding forty dollars per month, for which an appropriation, out of any money in the State treasury, is made. Salary of

Sec. 2. This servant shall be paid on the order of the chief justice of the supreme court. How paid.

Approved March 5, 1907.

No. 251.)

AN ACT.

H. 612.

To amend an act entitled an act to regulate the collection of the poll taxes in the State of Alabama, approved Feb. 12th, 1903.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 3 of an act entitled an act to regulate the collection of poll taxes in the State of Alabama approved Feb. 12th, 1903, be amended so as to read as follows: The tax collector shall by the 15th day of Feb. return to the auditor all unused receipts and stubs so delivered to him or account to the auditor for all unused receipts and stubs; shall also return to the auditor the stubs of all receipts issued by him; after the auditor shall have charged the collector with all poll taxes collected by him and checked the same as shown by the said stubs he shall return said stub books to the judge of probate of such county in which said poll taxes where collected for record and file in his office. Act amended. Collector to return stubs and unused receipts to auditor. Auditor to check same and return to Probate Judge.

Approved March 4th, 1907.

No. 254.)

AN ACT.

(H. 614.)

To make subject to taxation in this State money lent, solvent credits and credits of value and moneyed capital.

Solvent credits, etc., taxable.

Section 1. *Be it enacted by the Legislature of Alabama*, That there is hereby made subject to taxation in this State for the year 1907, and for each subsequent year, the following property: 1. All money lent, solvent credits and credits of value, other than such as are secured by a mortgage, deed of trust, a contract of conditional sale upon which a privilege tax has been paid. 2. All money employed in the business of advancing or lending on any kind of chattels, choses in action, or personal property, or used in buying or discounting notes, bonds or bills of exchange. 3. All moneyed capital used in any business which comes in competition with the business of national banks.

Approved March 4, 1907.

No. 255.)

AN ACT.

(H. 240.)

To enlarge the duties of the department of archives and history. *Be it enacted by the Legislature of Alabama*, That in addition to the duties now required by law, the department of archives and history shall do and perform the following:

Encourage and assist in establishing public libraries.

1. It shall encourage and assist in the establishment of public and school libraries, and in the improvement and strengthening of those already in existence; it shall give advice and provide assistance to librarians and library workers in library administration, methods and economy; and it shall conduct a system of traveling libraries.

2. It shall bring together and arrange for ready consultation a reference collection of materials for the use of the members of the legislature, State officers and others on all subjects which may, from time to time, be deemed of public interest and importance to the people of the State.

Arrange for reference collection of materials for State officers, etc.

Approved March 5, 1907.

No. 257.)

AN ACT.

(H. 668.)

To provide for the participation of the State of Alabama in the Jamestown exposition to be held on and near the waters of Hampton Roads, in the State of Virginia, in the year nineteen hundred and seven, in commemoration of the first permanent settlement made in the United States, by English speaking people, in the year sixteen hundred and seven. Whereas, the United States by an act of congress has determined it to be desirable to commemorate, in a fitting and appropriate manner, the birth of the American nation, the first permanent settlement of English speaking people on the American continent, made at Jamestown, Virginia, on the thirtieth day of May, in the year sixteen hundred and seven, in order that the great events of American history which have resulted therefrom, may be accentuated to the present and future generations of American citizens; and has inaugurated in the year nineteen hundred and seven, on and near the waters of Hampton Roads, in the State of Virginia, an international naval, marine and military celebration, beginning on the thirteenth day of May and ending not later than the first day of November, in the year nineteen hundred and seven; and whereas, the State of Alabama has been invited to participate in said exposition by exhibiting its extensive resources and thereby increasing its

agricultural, manufacturing and industrial interests; and also by exhibiting to the world the prominent part this State has taken in the historical development of this great country, and thereby stimulating State and national pride and inculcating more lofty patriotism; therefore be it enacted by the Legislature of the State of Alabama:

Commission
created; how
members ap-
pointed and
duties of

1. There shall be appointed by the governor four persons, residents of this State, who, together with the governor who shall be ex-officio chairman, shall constitute an Alabama commission for the Jamestown Ter-Centennial Exposition, to be held on and near the waters of Hampton Roads, in the State of Virginia, in the year nineteen hundred and seven, to co-operate with the board of directors of the Jamestown exposition company, in encouraging and forwarding the objects for which said exposition is to be held, and to organize, prepare, superintend and have the general management of the Alabama department at the said exposition. Said commission when appointed shall meet at such time and place as the governor may appoint and organize by the election of a vice-president and a secretary; a majority of said commission may constitute a quorum for the transaction of business. The commission shall have the power to make rules and regulations for its own government, not to conflict with the laws of the State or with the rules and regulations governing said exposition. The members of said commission shall not be entitled to any compensation, except their actual expenses when necessarily absent from their homes and the business of said commission. Said commission shall have the power to fix the compensation of its secretary, and to employ such agents and assistants as may be necessary. Said commission shall continue in office until it shall have completed and settled the business connected therewith. All vacancies in said commission

Vacancies;
how

which occur by death, resignation or otherwise, shall be filled by the governor.

2. Said commission shall have charge of the Powers of interests of the State of Alabama, and its citi- Commission zens, in the collection, preparation and exhibition at said exposition of the manufactures, arts and natural and industrial products of this State, illustrating its history, progress, moral and material welfare, growth, enterprise and development, and all other matters tending to advance the interests or reputation and prosperity of this State at said exposition. It shall collect, obtain and disseminate throughout the State all necessary information regarding the said exposition; secure the co-operation of scientific, agricultural, mechanical, manufacturing, historical and other associations in the several counties of the State in promoting the objects of the exposition; and in general to have and exercise full authority in relation to the participation of the State of Alabama and its citizens in the Jamestown Ter-Centennial Exposition.

3. After the said exposition shall have been Commission closed, the said commission is hereby authorized authorized to sell or otherwise dispose of all property of sell property the State of Alabama then on the exposition on grounds at grounds, on or near Hampton Roads, and de- close of expo- posit the moneys received therefor in the State Treasury, and any money in the possession of said commission belonging to the State shall be Disposition of money re- paid to the State treasurer, and the accounts of ceived. the commission fully settled within six months after the close of the said exposition, and a report to the next session of the legislature.

4. All the necessary expenses attendant upon How expen- the carrying out by the said commission of the ses paid. objects for which it is created, shall be paid out of such sum as may be appropriated therefor by the legislature upon the certificate of the president of said commission.

5. To carry out the provisions of this act the Amount ap- sum of twenty-five thousand dollars is hereby ap- propriated.

propriated from any money in the treasury not otherwise appropriated.

Effect.

6. This act shall take effect on its passage.

Approved March 4, 1907.

No. 258.)

AN ACT.

(H. 654.

Preamble.

To relieve Cyrus Jones, Jr. as the only legal heir of Cyrus Jones, Sr. Deceased, by refunding to him, money amounting to \$250.20, belonging to the estate of the said Cyrus Jones, Sr., deceased, which escheated to the State of Alabama for lack of a claimant, as shown by the minute entries of the probate court of Madison county, Alabama, Vol. 30, page 42; and further evidenced by treasurers receipt No. 510 A. D. 1905. Whereas, Douglas Taylor, Esq. as administrator of the estate of Cyrus Jones, deceased, on making his final settlement with the probate court of Madison county, Alabama, in the year 1905, advertised for the heirs of the said Cyrus Jones, deceased, and no heirs appeared to claim said estate, the said amount of \$250.20, escheated to the State. It now appears that the said Cyrus Jones, Jr. was the only living child of the said Cyrus Jones, Sr. and was at the time of said final settlement of said estate, living in Madison county, Alabama, and had no notice by personal service, of any settlement of said estate, and failed to see any notice by publication, if such notice was given by publication in any newspaper of said county.

Auditor to
draw war-
rant.

Section 1. *Be it enacted by the Legislature of Alabama*, That the auditor of the State of Alabama, be and he is hereby instructed to draw his warrant on the treasurer of the State of Alabama, in favor of Cyrus Jones, Jr., for the sum of two hundred and fifty dollars and twenty

cents (\$250.20) the amount of said estate, paid into the State treasury.

Approved March 4, 1907.

No. 259.)

AN ACT.

(H. 623.

To amend section 2584 of the code of 1896.

Section 1. *Be it enacted by the Legislature of Alabama*, That section 2584 of the code of 1896 be and the same is hereby amended so as to read as follows: 2584 annual statement to be filed with insurance commissioner; forms; contents and publication; designating agent for service of process; gross premium tax; penalties: No foreign insurance company shall be admitted and authorized to do business in this State until: First. It shall file for deposit with the insurance commissioner a properly certified copy of its charter or deed of settlement and a statement of its financial condition and business on the thirty-first day of December next preceding, in such form as has been determined upon at the last convention of insurance commissioners of the United States immediately preceding the year in which such statement is filed, with such additional information as the insurance commissioner may require for the protection of Alabama policy holders.

Section amended.

Annual statement required what must contain.

Certified copy of charter and statement of financial condition to be filed.

(a.) All companies must state the total amount of gross premiums received, designating the amount received, in this State and shall at the same time pay to the insurance commissioner the following amounts, that is to say, each fire insurance company shall pay the sum of one and one-half dollars upon each one hundred dollars of said gross premiums so received in this State; and every other insurance company shall pay the sum of two dollars upon each one hundred dollars of said gross premiums so received in this State, and the company neg-

Amount of gross premiums.

License required of fire insurance companies.

Tax upon gross premiums received in this State.

Penalty for failure.

How statement signed and time of filing same.

Statement published in newspaper.

Penalty for failure.

Annual statement of companies in foreign country.

Penalty for false statements.

lecting to make such returns accurately and in full at the time of filing the annual statement, shall pay to the State, in addition to said taxes the sum of five hundred dollars within sixty days from date of notice of such delinquency and shall be debarred from transacting any business of insurance in this State until said taxes and penalties are fully paid.

(b.) Its statement shall be subscribed under oath by the president and secretary, or other chief officers or managers, and shall be renewed annually on or before the first day of March of each year (but the insurance commissioner may for a good cause extend the time) or as soon thereafter as the insurance commissioner may require, and shall contain a full report of its conditions as prescribed in this section, on the thirty-first day of December, preceding which statement shall be published by it at its own expense in a daily newspaper of general circulation in this State. Upon failure of any company to comply with this section promptly, fully and correctly, such company shall forfeit its right to do business in this State for one year thereafter, and shall pay to the State the sum of two hundred and fifty dollars, and shall forever thereafter be debarred from doing any business in this State until such penalty is fully paid.

(c.) The annual statement of a company of a foreign country shall only be required to embrace its business and conditions in the United States.

(d.) Any company wilfully making a false annual or other statement required of it by law, and persons making oath to and subscribing the same, shall be severally punished by a fine of not less than five hundred dollars (\$500.00), nor exceeding one thousand dollars (\$1,000.00), and any person making oath to such false statement shall be deemed guilty of the crime of perjury, and punishable for such under the criminal laws of this State.

Second. It shall satisfy the insurance commission that it is fully and legally organized under the laws of its State or government to do the business it proposes to transact, that, if a life insurance company, it has on deposit with the treasurer of the State, or with the proper officer of some other State, securities to the actual cash value of at least one hundred thousand dollars (\$100,000.00), consisting of bonds of this State, the United States, or the State in which such company is organized, or notes or bonds secured by mortgages on real estate for double the amount, and such companies shall file with the insurance commissioner the certificate of the official with whom the securities are deposited, stating the name and amount of each of said bonds, notes or stocks, and that he is satisfied they are worth one hundred thousand dollars (\$100,000.00), and that the deposit is made with him by the company for the protection of all policy-holders and creditors in the United States; that, if an insurance company other than life, it has an actual paid-up cash capital of not less than one hundred thousand dollars (\$100,000.00), of which at least fifty thousand dollars, (\$50,000.00) shall be invested in bonds of the United States, or other good securities, to be certified as such by the insurance commissioner of the State in which said company is organized, reckoning the same at their current market value; or in lieu of a cash capital stock such company shall have and maintain a warranty capital or surplus above all liabilities, including reinsurance reserve not less than one hundred thousand dollars (\$100,000.00); provided, however, that companies transacting the business of plate glass or live stock insurance exclusively shall not be required to have a cash capital or surplus of more than fifty thousand dollars (\$50,000.00.)

Life Insurance Co.; deposit required.

Third. It shall by a duly executed instrument filed in the office of the secretary of State constitute and appoint the insurance commissioner, Appointment of Insurance Company as attorney.

or his successor, its true and lawful attorney, upon whom all lawful persons in any action or legal proceeding against it may be served, and therein shall agree that any lawful process against it which may be served upon its said attorney shall be of the same force and validity as if served on the company, and that the authority thereof shall continue in force irrevocably as long as any liability of the company remains outstanding in this State. Any process issued by any court of record in this State and served upon such commissioner by the proper officer of the county in which said commissioner may have his office, shall be deemed a sufficient process on said company; and it is hereby made the duty of the insurance commissioner, promptly after such service of process by any claimant, to forward by registered mail an exact copy of such notice to the company.

Approved March 4, 1907.

HOUSE JOINT RESOLUTION.

No. 261.)

(H. J. R. 203.

Payment of
expenses of
Joint Commit-
tee.

Resolved by the Legislature of Alabama, That the expense of the joint committee to visit the "Alabama Industrial School" near Birmingham and soldiers home at Mountain Creek to be paid out of the appropriation for legislative expenses, not exceeding seventy-five dollars in all.

Approved March 4, 1907.

No. 263.)

AN ACT.

(H. 787.)

To fix the time of holding the circuit courts in the counties of Perry and Bibb. Be it enacted by the Legislature of Alabama :

Section 1. The circuit courts of Perry county shall begin on the third Monday before the last Monday in February and August of each year, and may continue two weeks each term. Times of holding court in Perry county.

Sec. 2. The circuit courts of Bibb county shall begin on the first Monday before the last Monday in February and August of each year, and may continue four weeks each term. Bibb county.

Sec. 3. The provisions of this act shall take effect from and after the first day of June, 1907. Effect.

Approved March 4, 1907.

No. 264.)

AN ACT.

(H. 237.)

To establish a normal school for education of white male and female teachers at Daphne, in Baldwin county, Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That there be permanently established in the town of Daphne, Baldwin county, Alabama, a school for the education of white male and female teachers, who shall be taught therein, on such conditions and under such restrictions as may be prescribed, and there shall be annually appropriated and set apart, from the first day of October, 1907, the sum of twenty-five hundred dollars out of any money in the State treasury not otherwise appropriated, for the support and maintenance of the school. The said appropriation shall be under the control of the board of trustees hereinafter provided for, and shall be applied in such manner as they may deem best to carry out the purposes of this act; provided, however that no portion of said appropriation School established. Amount appropriated for same.

shall be used for any other purpose than the payment of the salary of the faculty, and for the actual expenses of the said board of trustees in going to and returning from their meetings.

Board of
Trustees; how
appointed.

Sec. 2. That the board of trustees of said school shall consist of six trustees, together with the governor, State superintendent of education and the president of the school, ex-officio. The trustees shall be appointed by the governor as hereinafter provided. It shall be the duty of the governor, upon the passage of the bill, to appoint six trustees of said normal school: Provided, that no two of said trustees shall reside in the same county, except in the county of Baldwin there may be two of said trustees. Two of said trustees shall be appointed for the term of six years; two for the term of four years; two for the term of two years; and every two years thereafter it shall be the duty of the governor to appoint two trustees, whose term of office shall be for the term of six years. The members of said board of trustees shall receive no compensation for their services except their actual expenses in going to and returning from their meetings, which said expenses, upon the certificate of the board, approved by the President, shall be paid out of the fund annually appropriated and set apart for the support and maintenance of said school.

Term of of-
fice.

Vacancy; how
filled.

Sec. 3. That any vacancy in the board of trustees, caused by death, resignation, or otherwise, shall be filled by appointment by the governor, the appointee holding for the unexpired term of his predecessor.

Time and
place of
meeting.

Sec. 4. That the board of trustees shall meet at such times and places as it shall appoint.

Officers of
Board; how
elected; term
of office.

Sec. 5. That the board of trustees shall choose one of their number as president of their board, who shall not vote on any question except in case of a tie, and they shall elect a secretary and treasurer, and they shall take such bond from such treasurer as they shall take such bond from such treasurer as they shall deem sufficient

and adequate to secure the faithful performance of his duties, in at least double the amount that he may have in hand at any one time, bond to approved by the county superintendent of education and the judge of probate of Baldwin county, and a certified copy thereof filed in the office of the superintendent of education. The secretary and treasurer shall be chosen annually, and shall hold their offices until their successors are elected and qualified.

Sec. 6. That the board of trustees shall, under the restrictions and limitations of law, direct the disposal of any and all monies appropriated to the school and shall prescribe the duties of the secretary and treasurer thereof.

Board to direct disposal of money.

Sec. 7. That it shall be the duty of the board of trustees to organize such normal school upon the most approved plan; to elect a president and a complete and sufficient corps of instructors, who shall constitute the faculty of such normal school, and the board shall adopt such rules and regulations as may be necessary for the organization and successful operation of such normal school.

Duty of Board of Trustees.

Sec. 8. That it shall be the duty of the faculty to establish a course of instruction with special reference to educating teachers in the theory and practice of teaching, and to pass all needful rules and regulations necessary for the discipline of such normal school.

Duty of Faculty.

Sec. 9. That the president of the board of trustees shall make and complete annual report to the superintendent of education, of the operation of the normal school, specifying the number of professors or teachers, the amount of salary of each, the amount of money received and disbursed, and such other information as may be required by law.

Annual report of President.

Sec. 10. That students shall be admitted from any portion of the State, and shall receive instructions free of charge for tuition, upon signing a written obligation to teach at least two years in the public schools, of this State, and the

Admission of students.

obligation shall be filed in the office of the superintendent of education. Any student may be relieved from this obligation by paying such tuition as may be established by the board of trustees.

Age of students.

Sec. 11. The applicants for admission to the normal school shall not be less than fourteen years of age, and shall sustain a satisfactory examination in such studies as may be required by the faculty.

Money appropriated semi-annually.

Sec. 12. That the money appropriated and due to the school shall be certified semi-annually by the superintendent of education to the State auditor, upon application of the president of the board of trustees, and the State auditor shall thereupon draw his warrant on the State treasurer in favor of the treasurer of the normal school for the amount thus certified; the first half of the annual appropriation hereby made, shall be due and payable on the first day of October, 1907.

Other school may be established in connection with same.

Sec. 13. That in connection with the normal school hereby established, there may be established a public or other school.

Condition of appropriation.

Sec. 14. That this appropriation shall be received upon condition that the court of county commissioners of Baldwin county shall furnish free of charge a suitable building and grounds for said normal school, and place said building and grounds under the complete control of the board of trustees established in this act, by locating a deed in fee simple and procuring in cash or contract and agreement of solvent parties satisfactory to the governor for the donation to said school without reservation of ten thousand dollars.

Approved March 4, 1907.

No. 268.)

AN ACT.

(H. 689.

To fix the terms of the circuit court of Madison county and to dispense with grand juries in said court, except when specially ordered by the judge. Be it enacted by the Legislature of Alabama:

1. The terms of the circuit court of Madison county shall remain as at present for the year, <sup>Time of hold-
ing court.</sup> 1907. After the year 1907 the terms of said court shall remain as at present, except that the August term shall be no longer held; and the February term shall begin on the second Monday in February and continue three weeks, the first two weeks to be devoted to the transaction of civil, and the last week to the transaction of criminal business, if any there be; provided, however, that nothing herein contained shall prevent the disposal of civil business during a criminal week; or of criminal business during a civil week, at the discretion of the judge.

2. After the February term 1907, grand juries shall be no longer summoned or organized <sup>When grand
juries drawn.</sup> for said court, except when specially ordered by the judge as now provided by law for the organization of special grand juries.

3. All laws and parts of laws in conflict herewith are hereby repealed. ^{Repeal.}

Approved March 4, 1907.

No. 269.)

AN ACT.

(H. 66.

To regulate the sale of corn meal.

Section 1. *Be it enacted by the Legislature of Alabama,* That on and after the approval of this act, it shall be unlawful for any miller, firm, person or corporation who manufactures, grinds, <sup>Sale of corn
meal regu-
lated.</sup> or repacks corn meal, or who conducts a mer-

chant mill, to pack or cause to be packed, to be offered for sale to merchants or the general public, or to carry in stock, with intent to sell, cornmeal, bolted or un-bolted, packed in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds and ninety-six pound sacks; or ninety-six pound barrels, and one hundred and ninety-six pound barrels, wood. The sacks shall have plainly printed or stenciled upon them, "Bolted Meal" or "Unbolted Meal" (steam or water ground as the case may be—as indicating the kind of power used in the mill producing the same), "Eighth Bushel," "Fourth Bushel," or "Peck," "Half Bushel," "One Bushel," "Two Bushels," and the barrel and half barrel, shall show the net weight in pounds.

Unlawful to sell meal except in certain packages.

May sell from bulk.

Penalty for violation.

Sec. 2. It shall be unlawful for any merchant, dealer, vender, hawker, or other character of seller, to sell, offer for sale or keep in stock with intent to sell, any corn meal, bolted or unbolted, in any other than six pounds, twelve pounds, twenty-four pounds, forty-eight pounds, and ninety-six pound sacks; or ninety-six pound half barrels, and one hundred and ninety-six pound barrels, wood. Provided, any retail merchant, may *on order* weigh from bulk meal, any number of pounds desired by an individual customer.

Sec. 3. Any person, firm or corporation, violating either one of the foregoing sections, shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty, nor more than one hundred dollars for the first offense, but on the second conviction, shall be fined not less than one hundred, nor more than five hundred dollars—one-fourth of said fine in either instance, shall be paid to the informer, furnishing proof leading to conviction out of the county treasury after the payment of such fine upon the order of the solicitor prosecuting the case.

Repeal.

Sec. 4. All laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved March 5, 1907.

No. 270.)

AN ACT.

(H. 793.

To fix the salary of the chancellor of the north-western chancery division of Alabama, at the sum of forty-five hundred (\$4500.00) dollars per annum, and to provide for the payment of as much thereof out of the State treasury as shall be paid to other chancellors, and for the payment of the remainder thereof out of the treasury of Jefferson county.

Section 1. *Be it enacted by the Legislature of Alabama:* That from and after the passage of ^{Amount of salary.} this act, the salary of the chancellor of the north-western chancery division of Alabama, shall be the sum of forty-five hundred dollars, per annum, of which there shall be paid out of the treasury of the State such sum as shall be paid to other chancellors in the State, and at such time, in such installments, and in such manner as the salaries of other chancellors are payable, and the remainder of said sum of forty-five hundred dollars shall be paid out of the treasury of Jefferson county, Alabama, upon the warrants of the board of revenue of Jefferson county, Alabama, in quarterly installments. ^{How paid.}

Sec. 2. That all laws, general and local, in conflict herewith be, and the same are, hereby repealed. ^{Repeal.}

Approved March 4, 1907.

No. 271.)

AN ACT.

(H. 39.

To authorize the courts of county commissioners of the several counties, and other courts of like jurisdiction, to compromise certain claims in favor of the counties.

Section 1. *Be it enacted by the Legislature of Alabama,* That the courts of county commission-

Court of
County Com-
missioners au-
thorized to
compromise
certain claims.

ers of the several counties, and other courts of like jurisdiction, be and the same are hereby authorized to compromise, on such terms as they may deem just, all doubtful claims in favor of the counties, where such claims arise on account of moneys heretofore paid, in good faith, by order of such courts.

Approved March 4, 1907.

No. 275.)

AN ACT.

(H. 333.

To make appropriations for the expenses of encampments, manoeuvres and target practice of the Alabama National Guard for the years 1907, 1908, 1909 and 1910.

Amount ap-
propriated and
purposes of.

Section 1. *Be it enacted by the Legislature of Alabama:* That the sum of twenty thousand dollars for the fiscal year ending September 30, 1907; and the sum of twenty thousand dollars for the fiscal year ending September 30, 1908; and the sum of twenty thousand dollars for the fiscal year ending September 30th, 1909; and the sum of twenty thousand dollars for the fiscal year ending September 30th, 1910, or so much thereof as the governor, in his discretion may deem advisable or necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of paying expenses and cost of such encampments, manoeuvres and such target practice at such places as the governor may determine, of the Alabama National Guard, as may be ordered during these years for the purpose of instruction and discipline, including in such expenses the transportation of officers and men to and from such camp or manoeuvres and to and from target ranges, as determined by the governor, if the target practice is not held contemporaneously with the encampment; the preparation of camp grounds and other expenses connected therewith;

the preparation and procurement and maintenances of target ranges and other expenses connected therewith, which the governor may deem legitimate and necessary.

Sec. 2. Be it further enacted, That the gov-^{Governor to} ernor may, if he deem expedient, use the sum of ^{use certain} five thousand dollars of the amount herein ap- ^{sum for tar-} propriated, or so much thereof as he may deem ^{get range.} necessary in the purchase, lease or acquirement of a site or sites for a target range or target ranges, the number and location thereof to be determined by him, and for the proper equipment and conduct of the same, and may require the National guard to attend target practice at such times and under such regulations as he may prescribe.

Sec. 3. Be it further enacted: That the gov-^{Governor to} ernor shall make rules and regulations govern- ^{make rules} ing the disbursements of money under the provis- ^{governing} ions of this act, and all expenses authorized to ^{disbursement} be contracted by him shall be certified and veri- ^{of money.} fied by affidavit, and paid to such officer or officers as the governor may direct.

Approved March 4, 1907.

No. 278.)

AN ACT.

(H. 371.

To provide for the inspection of jails and almshouses and cotton mills or factories.

Section 1. *Be it enacted by the Legislature of Alabama,* That there is hereby created the office ^{Office created;} of inspector of jails and almshouses and the inspector shall be a practicing physician in good ^{requirements.} standing, learned in the science of sanitation and hygiene and shall be appointed by the governor, and shall hold his office for a term of four ^{Term of of-} years from the date of his appointment. ^{fice.}

Sec. 2. The salary of the inspector shall be twenty-four hundred dollars (\$2,400.00) an- ^{Salary and ex-} nually, and in addition to his salary, he shall be ^{penses of and} how paid.

Duties of.

paid his necessary traveling expenses to be paid as the salaries of other State officers are paid.

Sec. 3. It shall be the duty of the inspector of jails and almshouses, to visit at least twice a year and oftener if he can, every county jail and almshouse in this State, and to aid in securing the just, humane, and economic management of all such institutions to aid in securing the erection of sanitary buildings for the accommodation of the inmates of such institution to investigate the management of all such institutions and the conduct and efficiency of the officers or persons charged with their management. To secure the best sanitary condition of the buildings and grounds of all such institution and to make a detailed report to the governor after each visit, of the number of inmates in each such jail and almshouse, their condition as to health the conditions in which buildings are kept, the sanitary arrangements for the sanitation of buildings and grounds, the cost of managing such institution and keeping the inmates, and whether the money appropriated for such purposes is properly expended therefor, and he shall at the same time, give a copy of his report to the court of county commissioners or boards of revenue of the county in which such jails and almshouses are situated together with such recommendation for the betterment of the conditions of the jails and almshouses as he shall append to his report to the governor.

Powers of
as to sum-
moning wit-
nesses, etc.

Sec. 4. For the purpose of ascertaining the condition of such institutions and their inmates and in making the reports required to be made under this act and his recommendations for the improvements of the condition of the institutions, he may call upon the sheriff or other keepers of the jails or commissioners courts or board of revenue and all persons charged with the management of the almshouses for information upon all such matters as he is herein required to report upon, and may also summons before him any witness or witnesses and may administer oath to

them and examine them touching all such matters.

Sec. 5. Any sheriff or other keeper of jails or member of commissioners court or board of revenue, or keeper or manager of any almshouse or any person or persons charged with the management of any almshouse who shall wilfully refuse or fail to give the inspector the information called for by him, and any such officer or other person, who when summoned by the inspector to come before him and testify concerning any matter upon which the inspector is hereby required to report shall wilfully refuse or fail to attend and testify, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars.

Penalty for failure of officers to give information, etc.

Sec. 6. Whenever such inspector shall make written report to the board of county commissioners or board of revenue, that certain conditions in jails or almshouses shall be remedied, they shall at once have the matter attended to within thirty days and shall make written report to the inspector that such orders have been carried out and in event such instructions are not carried out the said inspector shall order all persons confined in such jails or almshouses transferred to the jails or almshouses of some other county, and such removal shall be made by the sheriff of the county from which they are ordered to be removed the expense of the removal of prisoners and the poor, and of the maintenance of removed paupers to be borne in the county from which such parties are removed upon the restoration of any jail or almshouse to a proper sanitary condition, the inspector shall be notified in writing by the presiding officer of the board of county commissioners or board of revenue whereupon the said inspectors shall issue a written order for the return of said inmates and they shall be returned at the expense of the county, from which they have been removed.

Duty of board of county commissioners as to remedying certain conditions.

Failure to
obey orders;
penalty.

Sec. 7. If any sheriff or commisisoners court or board of revenue willfully fail or refuse without good excuse to obey such orders such sheriff or the members of the commissioners court or board of revenue shall be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

Duty of
court of coun-
ty commission-
ers to have re-
port publish-
ed.

Sec. 8. It shall be the duty of the courts of county commissioners and board of revenue to cause the reports and recommendations of the inspector upon the jails and almshouses in their respective counties to be published not later than thirty days after the receipt of a copy of such reports and recommendation, in some newspaper published in said counties, and it shall also be the duty of the probate judge to lay such reports and recommendations before the grand juries in their respective counties at the next meeting of such grand juries after a receipt of a copy of such reports. The cost of the publication of such report shall be paid out of the general fund of the county in which it is published upon the order of the court of county commissioners or board of revenue of such counties.

Duty of pro-
bate judge as
to.

Inspector to
reside in
Montgomery.

Sec. 9. The inspectors of jails and almshouses shall reside in the city of Montgomery and shall have an office in the capitol.

Duty as to
cotton mills.

Sec. 10. It shall also be the duty of said inspector to visit at least four times each year, and oftener when ordered by the governor so to do each and every cotton mill or factory in this State and to thoroughly inspect the same for the purpose of ascertaining their sanitary condition, the ages and condition of the children employed therein and all other matters concerning the operation and condition of said mills or factories as to which the laws of this State prescribe any rules or regulations, and to make reports to the governor of the result of each such inspection. It shall also be the duty of such inspector, when ordered so to do by the governor, to institute prosecutions against the owners and operators of such mills or factories for the violation of any of

the rules or regulations prescribed by any law of this State relating to the conditions or operations of such mills or factories or the employment of children therein.

Sec. 11. That this act shall go into effect immediately upon its passage and approval.

Approved March 4, 1907.

No. 281.)

AN ACT.

(H. 233.)

To appropriate the sum of fifty thousand dollars (\$50,000) to the Alabama schools for the deaf and blind.

Section 1. *Be it enacted by the Legislature of Alabama,* That there is hereby appropriated to the Alabama schools for the deaf and blind out of any money in the State treasury the sum of fifty thousand dollars (\$50,000) to pay for buildings and machinery and other necessary improvements which have been made for the said schools and that are necessary to be made therefor. Amount appropriated and purposes of

Sec. 2. That the said sum of fifty thousand dollars (\$50,000) shall be paid upon the presentation to the governor of such vouchers as meets with his approval. How paid.

Sec. 3. That the said sum of fifty thousand dollars (\$50,000) shall be expended by the board of trustees of the Alabama schools for the deaf with the approval of the governor in the erection of additional buildings and appliances for this use of said Alabama schools for the deaf and blind. How expended.

Sec. 4. That the money hereby appropriated shall be drawn by the board of trustees of the Alabama school for the deaf in the manner that they now draw the amount appropriated for the support of said schools and accurate account shall be kept of all expenditures under this act, and that such accounts shall be filed with the governor at the end of each fiscal year and oftener if required by him. How drawn and account of same to be kept.

Approved March 4, 1907.

No. 282.)

AN ACT.

(H. 323.

To provide necessary funds for maintenance, repairs, improvements, apparatus and additions to the medical college of Alabama.

Amount ap-
propriated
and purposes.

Section 1. *Be it enacted by the Legislature of Alabama*, That the sum of forty-five thousand (\$45,000) is hereby appropriated for the purpose of making needed improvements in the material equipment of the medical college of Alabama including the erection and furnishing of new buildings and the necessary repairs and furnishing of the building now in existence, all money appropriated shall be payable under the direction of the governor.

One student
from each
county re-
ceived free.

Sec. 2. That one student from each county in the State shall be received in said college, free of any tuition fee, upon the recommendation of the commissioners court, that said student is of good character and education and is without the means of procuring such medical instruction. To cover the cost of instructions for students holding such free scholarships, the sum of five thousand dollars (\$5,000.00) is hereby appropriated annually to be available in equal semi-annual installments on the first days of October and April.

Amount ap-
propriated for
expense of free
scholarship.

When appro-
priation avail-
able.

Sec. 3. That the money herein appropriated shall not be available, and the auditor shall not draw his warrant on the treasurer for said money, or any part thereof, until the title to all the property, real and personal, of every kind and description of said medical college of Alabama shall have been vested in the board of trustees of the University of Alabama, and until the board of trustees of the university of Alabama shall have assumed full, complete and absolute management of and control over the said medical college of Alabama. And when said appropriation shall thus become available the auditor shall draw his warrant on the treasurer, for the same

only upon the requisition of the board of trustees of the university of Alabama, approved by the governor.

Sec. 4. That all laws and parts of laws in Repeal. conflict with the provisions of this act are hereby repealed.

Approved March 4th, 1907.

No. 283.)

AN ACT.

(H. 671.

To make an appropriation to the Alabama Polytechnic Institute in lieu of the share of the proceeds arising from the sale of fertilizer tags now paid to the said Institute.

Section 1. *Be it enacted by the Legislature of Alabama,* That in lieu of the share of the proceeds Appropriation. arising from the sale of fertilizer tags now paid to the Alabama Polytechnic Institute, the sum of thirty thousand dollars for the year 1907-8, thirty-six thousand dollars for the year 1908-9, thirty-eight thousand dollars for the year 1909-10, and thereafter forty thousand dollars annually, is appropriated to said Institute, and the funds thus appropriated shall be paid out of any funds in the treasury of the State not otherwise appro-Analysis of priated. And the trustees of the Alabama Poly-fertilizer. technic Institute shall cause without charge therefor, an analysis to be made of all fertilizers submitted by the commissioner of agriculture and industries for analyses.

Sec. 2. That the appropriation herein made shall be paid on the requisition of the president How paid. and the treasurer of said Institute upon the approval of the governor.

Approved March 4, 1907.

To make subject to taxation and to tax the franchises or intangible property and assets of every person, association, company and corporation engaged as a common carrier in this State in the business of transporting persons or property over any railroads, including street railroads, or in the business of operating any cars over any railroad for the transportation of freight or passengers, including sleeping cars, parlor or palace cars, dining cars, chair cars, tank cars, and cars of any other kind; or engaged in operating for gain any telegraph or telephone lines or plant or business, or in operating any plant or business for the production, manufacture, distribution or sale of gas, water, or electricity, electric power, electric light, steam heat, oil, refrigerated air, or other like substances, by means of pipes, wires, or conduits passing on, over, under or through any territory, street, alley or highway in this State; or in the business of operating for gain, dockage, wharfage, canal, freight or passenger depots, stations or terminals, or engaged in any other business which may be dependent upon the grant of public powers or privileges, or which may involve the operation of any public utility; and to provide for the valuation and manner of ascertaining the values of such franchises, or intangible properties, and the distribution of the same for local taxation, and the levy, assessment, and collection of said taxes thereon.

Franchises
and intan-
gible prop-
erty taxable.

Section 1 *Be it enacted by the Legislature of Alabama,* That there shall be subject to taxation in this State, the franchises, or intangible property and assets, of each and every corporation whether organized under the laws of this State or of any other State or government, and of each and every individual, association, partnership, or company engaged as a common carrier, wholly

or partly in this State in the business of transporting freight of any description or passengers or both over any railroad, including street railroads or of operating any cars of any kind over any railroads for the transportation of passengers or of property of any kind for others or for the public, including sleeping cars, parlor cars, palace cars, dining cars, chair cars, and cars of any and every other kind; or engaged in the business of maintaining or operating for gain any telegraph or telephone lines, plant or business or any plant or business for the production, manufacture, distribution or sale of gas, electricity, electric light, electric power, water, steam heat, refrigerated air, or other similar substances, by means of wires, pipes or conduits constructed, operated or maintained on, over, under or through any territory or any street, alley or highway in this State; or in the business of operating for gain any dockage, wharfage, canal, freight or passenger depots, stations or terminals; or engaged in any other business which may be dependent upon the grant of public powers or privileges or which may involve the operation of any public utility; and of each and every individual, association, partnership, company or corporation which has and exercises, under authority granted by charter, statute or other provision of law, whether of this State or any political sub-division thereof, or of any other State or government, any special or exclusive privilege, franchise or function which is or may be dependent upon the grant of public powers or privileges, or which involves the operation of any public utility.

Sec. 2. Each and every individual, association, partnership, company and corporation engaged in any business embraced or set out in section 1 of this act, shall in addition to the *ad valorem* taxes on tangible property which are now imposed upon them: by law, annually, beginning with the year 1907, pay to the State, and there is hereby levied a tax for the year

Tax on same;
rate of.

When due and delinquent.

1907, and for each year thereafter on their franchises, or intangible property and assets, and local taxes thereon to each county and municipal corporation in which its, or their, business is, or shall hereafter be carried on. Said tax shall be at the same rate as the tax on tangible property and shall be and become due and delinquent at the same times as the taxes on tangible property, and be payable and collectible in the same manner, and shall be assessed and levied in the manner hereinafter provided. The place or places where such local taxes on such property are to be paid, and the manner of the apportionment of the same in cases where more than one jurisdiction is entitled to a share of such tax, shall be determined, and the valuation of such property for taxation shall be ascertained, in accordance with the provisions of this act.

Report to be made to State tax commission.

Sec. 3. On or before the first day of June, 1907, and between the first day of January and the first day of March in each subsequent year, every company, corporation, association and individual embraced within the provisions of section 1 of this act, or coming otherwise within its scope and intent, shall make out and deliver to the State Tax Commission of Alabama a statement containing the information hereinafter prescribed, which statement shall be duly verified by the affidavit of one of the officers of the company, corporation or association, or by the individual, in whose behalf it is made.

What report shall contain.

Sec. 4. Each such statement shall show the following items and particulars as the same stood on the next preceding first day of October, together with any other facts or information that may be called for by said commission. 1. The name and principal place of business of the company, corporation, association or individual in whose behalf the statement is made, and the character of business engaged in. 2. If a company, association or corporation, the State or government under the laws of which it was incorporated, or authorized to do business, the date of

original organization, the date of the reorganization, consolidation or merger, and the purposes of its incorporation as expressed in its charter or articles of association. 3. The place where all books, papers and accounts are kept and the names and post office addresses of the president, secretary, cashier, treasurer, superintendent, general manager, general counsel, directors, and all other general officers thereof. 4. The locality of its principal office and the total amount and kind of business done by it in this State, and the total gross receipts derived from its business in this State, including a due proportion of its interstate business, if it has done any business of that character. 5. Its total authorized capital stock and the number of shares of stock issued and outstanding and the par or face value of each such share. 6. The market value of said shares of stock; if they have no market value, then the statement must show the actual value thereof, and the highest price at which any such share has been sold during the next preceding twelve months. 7. A brief description of each tract of real estate and of the improvements thereon, and of the buildings, structures, machinery, fixtures, and appliances, and all other tangible property and assets owned and assessed, or liable to assessment for the same year within this State, and the location and assessed value thereof, and the county, city or town wherein the same is assessed for taxation for State and county and municipal purposes, or is liable to assessments. 8. A brief description of each tract of land and of the improvements thereon, and of the buildings, structures, machinery fixtures, and appliances, and of all the other tangible property and assets owned and held outside of this State, and of all other property and assets having a fixed *situs* outside thereof, and the location of each item of such property, and the purpose for which it is used, and whether or not it is specifically used in the business of the company, corporation or association, or individ-

ual in whose behalf the report is made, and its true and fair market value, and the sum or value at which it is assessed for taxation, and the locality in which it is assessed. 9. A statement of each and every lien, mortgage and other charge upon the whole or any part of the property of said company, corporation, association or individual, and detailed statement of all series of bonds, debentures, or other securities forming a part of its funded debt, with date of issue, maturity, and rate of interest together with a statement of the property encumbered or charged thereby and of the total amount of unpaid debts secured by each such mortgage lien or charge, and of the interest charged thereon, and to what extent interest has been paid, and the true and fair market value of every such debt. 10. A statement of the gross income and earnings, (and a statement of the net income and earnings), for the next preceding twelve months, including therein all interest on investments, and all rents, fruits, revenues, and receipts from every source whatsoever, and a statement of the income used for repairs and of the amount used for betterment and the amount used for extensions. 11. Every railroad company and every telegraph and every telephone company and every pipe line company shall show in each statement made by it the following particulars, which are in addition to the foregoing requirements, to-wit: (A) The total lengths of all the lines of said company, whether within or outside of this State, and (B) the total length of so much of said lines as are within this State, and (C) the length of its lines in each of the counties and cities or towns of this State into or through which its lines extend. The length of the lines of the telegraph companies and telephone companies shall be estimated and stated according to its mileage of poles, conduits or cables, or either. 12. Every sleeping car company, parlor or palace car company, dining car company, chair car company, and company operating cars of any and every other

kind over any railroad shall also, and in addition to the said foregoing requirements, show by each of its said statements, (A) the total mileage traveled by the cars of the said company during the next preceding twelve months, whether within this State or beyond its borders, and (B) the total mileage traveled by such cars within the State during the same period, and (C) the total mileage traveled by such cars within each county and each city or town in this State during said period. 13. Every express company shall also, in addition to the foregoing requirements having application to such company, show (A) its total gross receipts from all business done under its charter, whether within this State or outside thereof, during the next preceding twelve months, and (B) its total gross receipts within this State for the same kind of business done during the same period, including a due proportion of receipts from inter-State business, and (C) its total gross receipts in each county and in each city or town in this State for the same kind of business done during the same period.

Sec. 5. The State Tax Commission of Alabama shall receive all such statements offered to it under the provisions of this act and shall endorse upon each the date on which it was received and sign the endorsement officially. It shall examine the statements as soon as may be practicable, and if any of them be found to be insufficient, or if said commission shall believe other or further information to be necessary, it shall at once demand such additional statements and information as it may think proper.

State Tax Commission to receive and file reports and examine same.

May demand other information.

Sec. 6. The said State Tax Commission shall carefully examine and consider the said statements and information, and shall hear evidence and secure further additional information so far as may be in its power, and whenever it may deem it necessary so to do, to show the true value of the properties of such corporations, companies, and individuals, and the true value

State Tax Commission to examine statements.

Parties may
appear before
commission.

State Tax
Commission to
fix value of
property.

Manner of
fixing valua-
tions.

of that portion thereof which is situated within this State, and within the respective counties and cities and towns in this State; and each interested company, corporation, association or individual may appear before said Commission and introduce material and relevant testimony before the same, touching the true value of its said property within this State and the apportionment thereof. From these statements, evidence and information adduced before it the State Tax Commission shall ascertain, fix and determine the true value of such property, and of the portion thereof which is situated within this State, and the respective values of the several portions within the different counties and cities or towns in this State in which such portions are taxable and for that purpose said commission may require and compel by subpoenas to be issued by it any person or persons, or the officers and agents, or any of them, of any company, corporation or association embraced within the provisions of this act, to appear before it with such books, papers, documents and information as the commission may require, and to submit themselves to examination by said commission, and shall have all the powers with respect thereto conferred upon it by the act creating said commission.

Sec 7. In so far as the other evidence and information adduced before said commission does not make it appear to said commission improper or unjust for them so to do, the said commission shall, in fixing the true tax value of the entire property, tangible and intangible, of any company, corporation, association or individual embraced within the provision of this act, take as a basis therefor the aggregate market or true value of all its shares of stock, and add thereto the market or true value of its entire indebtedness secured by any mortgage, lien or other charge upon its property, assets, and the sum so produced shall be deemed and treated as the true cash value of said entire property, tangible and intangible. From the value of said entire property,

tangible and intangible, thus ascertained, there shall be deducted the assessed value of the entire tangible, real and personal property of such person, association, company or corporation, and the remainder of true value be by said State Tax Commission fixed and determined as the true value for taxation of the franchises, or intangible properties, owned and held by said persons, association, company or corporation, and made subject to taxation by the provisions of this act, where the business and property of such person, association, company or corporation is within this State. Where the person, association, company or corporation operates a railroad, or car line of any kind, or telegraph line, telephone line, or pipe line, the lines of which extend beyond this State, there shall also be deducted from the true cash value of the entire property, tangible and intangible, ascertained as above provided, the market or true value, ascertained from the information furnished by said statements, if the value thereof be given in said statements, of all real and personal property of said person, association, company or corporation, not specifically used in its business, and the remainder shall be treated as the true cash value of all its property, tangible and intangible, actually used in this business. The State Tax Commission shall then ascertain and fix the value of the total property, tangible and intangible, in this State by taking such a proportion of the cash value of the entire property, tangible and intangible of such person, association, company or corporation which is specifically used in its business, ascertained as above provided, as its total lines within this State bears to the total lines both inside and outside of this State, or as its total receipt from within this State bears to its total receipts from both within and without this State. From the entire value of the property within this State, tangible and intangible, when ascertained as above provided, there shall be deducted the total assessed value for taxation of

the entire real and personal property of said person, association, company or corporation in this State, and the residue and remainder of value shall be by said State Tax Commission fixed and determined as the true value for taxation of the franchise, or intangible property of such person, association, company or corporation so operating said railroad, car line, telegraph line, telephone line, or pipe line, made subject to taxation by the provisions of this act. The said State Tax Commission shall apportion the value of such franchises or intangible property thus ascertained, as above provided, among and between the counties and cities or towns in which such person, association, company or corporation does business in proportion to the amount of business done in and receipts derived from each locality, except that in case of a railroad or railway company, telephone and telegraph company and electrical power companies, car company other than express companies, or of a pipe line, the apportionment to each county and to each city or town shall be in proportion to the line mileage or car mileage therein. Provided, however, that the said State Tax Commission shall have the right, and it is hereby declared to be its duty, to make use of all evidence put before it, and of all material facts at its command in valuing the aforesaid properties, and if it shall believe some other method of calculation than that herein specifically prescribed is necessary in order to produce just and lawful results, it shall follow the method, which, under all the circumstances it believes best calculated to bring about a fair and equitable valuation of such property.

Notice given
by State Tax
Commission
after fixing
valuation.

Sec 7½. Within twenty days after making the valuation of any such franchises, or intangible property, the State Tax Commission shall give notice in writing by registered mail addressed to or by personal service or any officer, superintendent, cashier, or manager or the owner of said franchise or intangible properties, stating the

valuation fixed by it and that on a day specified, not less than twenty nor more than thirty days thereafter, it will meet to hear and determine any complaint against said valuation, which notice must be served at least ten days before the day fixed for the hearing. At the hearing the owner may file a statement under oath, specifying the respect in which the valuation is incorrect, upon which testimony may be taken and a full investigation had. From the final decision of said commission on said hearing the owner may appeal to the circuit court, or court of like jurisdiction, of Montgomery county, within thirty days, upon giving bond with two sureties, to be approved by the State Tax Commission and payable to the State of Alabama, in double the amount of State and county taxes lawfully due or to become due on such assessment or valuation as finally determined on said hearing, conditioned to prosecute said appeal to effect and to pay all lawful taxes which may be held by the court to be or become due on said franchises or intangible property, according to such valuation as may be determined by the court. The trial upon said appeal shall be *de novo*, and the court shall render judgment against appellant for such taxes as may be or become lawfully due on said property. From the judgment of said court either party may appeal to the supreme court within thirty days from the rendition of said judgment.

Day set for hearing complaint.

Parties may appeal from final decision of Commission.

Bond required.

Sec. 8. Whenever any person or association of persons not being a corporation and having no capital stock shall engage in this State in any character of business embraced within the provisions of this act, the capital and property, or the certificates or other evidences of the rights or interests of the persons engaged in such business shall be deemed and treated as the capital stock of such person or association of persons for the purposes of taxation and for all purposes under this act and shall be estimated and valued, and the intangible property values thereof when

Persons transacting business in State without capital stock; capital, etc. treated as capital stock and subject to taxation under act.

ascertained shall be apportioned and distributed and assessed and taxed under the provisions hereof, in like manner as if such person or association of persons were a corporation, and each such person and association of persons shall annually within the time and in the manner provided in this act make the statements and reports and give the information required by this act of the aforesaid companies, corporations and associations, and shall be subject to all penalties and to all the terms and provisions of this act.

State Tax
Commission to
report to Tax
Assessors.

Sec. 9. The State Tax Commission, after having first determined and fixed the true cash values of the franchise or intangible property, within this State of the individuals, companies, corporations and associations embraced within the provisions of this act, in accordance with the provisions hereof shall, annually, on or before the first day of September of the year, 1907, and on or before the first day of July, in each subsequent year, or as soon thereafter as practicable, report to the tax assessor of every county and local authorities of each city or town in this State in which any part of said franchise or intangible property is taxable under the provisions of this act, a description of the franchise or intangible property taxable therein, and the value thereof apportioned to said county and to said city or town, and the name and residence or place of business of the owner, and all other necessary particulars, and the said property shall thereupon be assessed by the county tax assessor and local authorities of such city or town for taxation in like manner as other property, and shall be taxed and the taxes thereon shall be collected as in the case of other property. And so long as any corporation, company or association shall pay all *ad valorem* taxes on such property required by law, the individual stockholders thereof shall not be required to list its shares of stock for taxation, or to pay *ad valorem* taxes on said shares, (nor shall any such company, corporation, association, person

Corporation
paying *ad valorem*
taxes;
individual
stockholders
not required
to list shares
of capital
stock or pay
ad valorem
taxes on same.

or persons complying with the provisions of this act be required to pay any other State, county, or city, *ad valorem* taxes on any of its intangible property in this State.

Sec. 10. Every person and association of persons, and every company, corporation or association, embraced within the provisions of this act, which shall fail to make the return and statement, or any of them, herein provided, within the time herein limited, or which, after reasonable notice, shall fail to give any additional evidence, or to furnish any additional information required by the said State Tax Commission by authority of this act, shall forfeit and pay to the State the sum of fifty dollars for each and every day during which it shall continue in default, which shall be recovered by suit in any court of competent jurisdiction in any county in this State in which the business of such person, association, company or corporation is carried on.

Failure to file statement, etc. Penalty.

Sec. 11. If any person, association, company or corporation embraced within the provisions of this act shall fail to make the returns and statements, or any of them, required by the provisions of this act or to furnish any other information lawfully required of it within the time limited, the said State Tax Commission shall have the power, and it shall be its duty, to acquire the necessary information, from any other source upon which to base an ascertainment of the value of the intangible property or franchise of such person, association of persons, company or corporation, and shall proceed to ascertain the value of such property.

Failure to make returns, etc., State Tax Commission has power to ascertain value of same.

Sec. 12. If the property of any person, association, company or corporation shall be in the hands of any receiver, assignee, trustee in bankruptcy, or other person holding under any court or for the benefit of any creditor or creditors, then the statements, reports, information, books, and papers aforesaid shall be furnished by said receiver, assignee, trustee or other persons, or by some officer or agent acting under him, in

When property in hands of receiver, etc., statements, etc., to be furnished by them.

the same manner and to the same extent as is hereinbefore provided in cases where the individual, or the corporation, company, or association is in possession.

Compliance
with act re-
lieves from
payment on
gross receipts.

Sec. 13. Upon the taking effect of this act and upon complying with its provisions by the individuals, companies, corporations and associations hereby affected, and upon the payment of the taxes imposed hereunder, if any are imposed, said individuals, associations, companies or corporations, shall not be required to pay any taxes upon their gross receipts.

In case no
State Tax
Commission;
powers, etc.,
conferred on
State Board of
Assessment.

Sec. 14. In the event there shall not be a board known as the State Tax Commission, the returns herein required to be made to said commission shall be made to, and all the powers herein conferred on and duties required to be performed by said State Tax Commission, are hereby conferred on and required to be performed by, the State Board of Assessment now authorized by law to assess the tangible property of railroad and other companies, or any board or official hereafter created for such purpose.

How property
described.

Sec. 15. In any assessment by State, county or municipal authority of the franchise, or intangible property, of any person, association, company or corporation subject to the provisions of this act, it shall be sufficient to describe the franchise or intangible property, herein made subject to taxation on the assessment books, or rolls as -----

The portion of -----
(name of county or city or town) or the franchises or intangible property of -----
----- (name of owner of such franchise or intangible property.)

Taxes collect-
ible by suit.

Sec. 15½. That in cases where there is no provision of law authorizing the collection of taxes by suit, the taxes which shall become due under the provisions of this act to any county, city or town, may, after the same shall become delinquent be collected by any such county, city or

town by suit in any court of competent jurisdiction.

Sec. 16. That this act shall go into effect immediately upon its passage and approval, and all laws and parts of laws in conflict or inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 4, 1907.

No. 287.)

AN ACT.

(H. 818.

To appropriate funds to be expended by the State Board of Health for the protection and promotion of the health of the people of the State.

Section 1. *Be it enacted by the Legislature of Alabama,* That there be and is hereby appropriated to the State Board of Health the sum of fifteen thousand dollars (\$15,000.00) annually, said sum to be expended for the following named purpose: (1) To supervise the execution of the health laws of the State; (2) To supervise the collection of the vital and mortuary statistics of the State, and to tabulate the same for publication; (3) To execute through its board of medical examiners the law regulating the practice of medicine in the State; (4) To supervise the execution of the law regulating the practice of midwifery in the State; (5) To distribute among the people of the State by means of bulletins, leaflets, et. cet., information in regard to the causation, propagation, and prevention of infection and contagious diseases; (6) To provide an equipment for establishing a field hospital for isolating and treating cases of pestilential and infectious diseases, under great emergencies; (7) To provide an equipment for disinfecting houses under urgent and exceptional conditions; (8) To provide an equipment for illustrating popular lectures on the causes, and modes of transmission of diseases, said lectures to be delivered

How paid.

under the direction of the State Board of Health.

Sec. 2. That the sum herein appropriated shall be paid in monthly installments to the executive officer of the State Board of Health on the requisition of the president of the board, approved by the governor, through warrants drawn by the auditor on the treasurer. An itemized account of all expenditures made under this act shall be rendered annually to the governor.

Repeal.

Sec. 3. That all laws and parts of laws in conflict with this act shall be and are hereby repealed.

Approved March 6, 1907.

No. 288.)

AN ACT.

(H. 763.)

An act to provide for a joint committee of the senate and house to sit during the recess of the legislature to prepare a general municipal bill or bills.

Committee authorized to sit; number of and how appointed.

1. *Be it enacted by the Legislature of Alabama,* That a committee of eight to consist of three on the part of the senate to be appointed by the president of the senate, and five on the part of the house to be appointed by the speaker of the house, shall sit during the recess for the purpose of preparing a general municipal bill or bills.

Duty of Committee.

2. The committee shall at its sitting prepare a general municipal charter bill or bills and report the same to the legislature at the reconvening of the same. The committee shall keep a record of its sessions and proceedings to the legislature along with the bill or bills proposed by it.

Salary and mileage of.

3. The pay of the members of the committee shall be four dollars per day while engaged in their duties, and they shall also receive ten cents per mile in going to and returning from the sessions of the committee, provided such committee shall not sit for more than twenty days.

4. The committee shall appoint a stenographer to attend to its sessions and make a record of its proceedings. The pay of such stenographer shall be six dollars per day while engaged in his duties. Stenographer appointed and salary of.

5. Any vacancy in the senate membership shall be filled by appointment by the president of the senate, and any vacancy in the house membership shall be filled by appointment by the speaker of the house. Vacancy; how filled.

6. There is hereby appropriated sufficient money out of the State treasury to pay the per diem and mileage of the committee and clerk. Money appropriated to pay per diem and mileage.

Approved March 6, 1907.

No. 289.)

AN ACT.

(H. 819.

To dissolve the board of trustees of the medical college of Alabama and to vest the ownership and control of the property of the medical college in the board of trustees of the University of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That the corporation styled the medical college of Alabama be and the same is hereby dissolved, and the institution heretofore known as the medical college of Alabama is hereby declared and constituted the medical department of the university of Alabama and shall hereafter be under the sole management, ownership and control of the board of trustees of the university of Alabama, provided that the said medical department shall remain at Mobile for all time. Medical college of Alabama dissolved; Board of Trustees of University of Alabama to manage same.

Sec. 2. That all appropriations of monies made at the present session of the legislature or which may hereafter be made at said session in aid of the medical college of Alabama shall enure to the benefit of the said medical department of the university of Alabama and shall be paid to the trustees of the university of Alabama for the use Appropriations for same; how and to whom paid.

and benefit of said medical department at Mobile, Alabama.

Repeal.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 6th, 1907.

No. 290.)

AN ACT.

(H. 845.

To grant to any person, firm or corporation acquiring necessary lands on both sides of a navigable river, and organized for the purpose of developing water power and electrically transforming and distributing the same, for the use of the public, to construct dams and locks in navigable rivers for the development of water power. To grant perpetual and exclusive easements for power purposes to and in the waters and beds of said rivers.

Power to construct dams, etc. granted.

Section 1. *Be it enacted by the Legislature of Alabama,* That any person, firm or corporation organized for the purpose of developing water power and electrically transforming and distributing the same for the use of the public which shall have acquired the necessary lands on both sides of a navigable river, for a dam and lock or locks, and shall have been organized or incorporated for the specific and particular purpose of developing water power in connection with a particular and specific river, and has prepared plans for the construction of a dam or dams and lock or locks, which provides both for the improvement of navigation of such river and for the development of the full water power of the same, shall have authority to construct one or more dams or locks in any navigable river for the improvement of navigation of said river and the development of the water power in connection therewith, and to that end is hereby granted a perpetual and exclusive easement for power pur-

Perpetual and exclusive easement granted.

poses to and in the waters and bed of the river in which said dam or dams and lock or locks are to be constructed for the full area covered by the water which will be created by the construction of said dam or dams, to the extent necessary for developing the full power of said river and providing suitable and convenient sites for the said dam or dams, locks, power houses and other features appurtenant thereto, and necessary for navigation and power purposes and to the extent made necessary by the impounding and conversion of said waters as the same may be caused by the construction of said dam or dams, or by any other change from the normal state of the said river due to said constructions. Provided, that no person, firm or corporation shall acquire the rights herein granted unless the dam or dams, lock or locks to be constructed by such person, firm or corporation, are so planned, as, when constructed, they will improve the navigation of the river in which the dam or dams, lock or locks shall be built, and will develop the full water power of such river, Provided further, that such person, firm or corporation shall commence work on said dam or dams and lock or locks within five years from the passage of this act and shall complete the same within ten years thereafter. Provided further, that no foreign corporation shall acquire the rights herein granted until it has complied with the laws of Alabama with reference to foreign corporations.

Approved March 7, 1907.

No. 291.)

AN ACT.

(H. 202.

For the relief of needy confederate soldiers and sailors, who are resident citizens of the State of Alabama and their widows, by the appropriation of three hundred and fifty thousand dollars annually for the fiscal year beginning on the first day of October, 1907, on the first day of October, 1908, on the first day of October,

1909, and on the first day of October, 1910, and to fix the amount and manner of paying the same.

Amount ap-
propriated and
years and pur-
poses of.

Section 1. *Be it enacted by the Legislature of Alabama*, That the sum of three hundred and fifty thousand dollars be and is hereby appropriated out of the treasury annually, for the fiscal year beginning on the first day of October, 1907, on the first day of October, 1908, on the first day of October, 1909, and on the first day of October, 1910, for the additional relief of needy confederate soldiers and sailors, who are resident citizens of the State of Alabama, and their widows, said appropriation herein provided for being in addition to the amount of the annual appropriation of fifty thousand dollars heretofore made by the Legislature of Alabama.

Amount paid
quarterly.

Sec. 2. Be it further enacted, That the said appropriation herein provided for and all moneys appropriated in any manner to the relief of needy confederate soldiers and sailors and their widows shall be paid quarterly; that on the first day of October, January, April and July of said fiscal years, there shall be paid to pensioners of the first class the sum of twenty-five dollars to pensioners of the second class, the sum of twenty dollars, to pensioners of the third class the sum of sixteen dollars and to pensioners of fourth class the sum of twelve dollars and fifty cents for each quarter in the same manner as pensions are now paid; provided, that if the amounts appropriated and due said pensioners are not sufficient to pay said amounts to be paid on the first day of July of said fiscal year, then the amount on hand for said last quarter shall be divided among all said pensioners pro rata, provided further, that if there is on hand for said pensioners an amount more than enough to pay the amount as herein provided for the last quarter in any fiscal year, then said over-plus shall be divided among all the pensioners pro rata. Provided,

Amount paid
each class.

Amount divid-
ed pro rata,
when.

that all needy confederate soldiers and sailors, and widows of such soldiers and sailors, who are resident citizens of this State, and who other than as to residence within this State are entitled to such pensions under the laws of this State, shall have and enjoy the benefits of the appropriations hereby made.

Sec. 21 $\frac{1}{2}$. That the special tax of one mill on each one dollar of the taxable property of the State levied and collected under the laws of this State shall be applied for the benefit of such soldiers, sailors and widows in like manner as the funds hereby specifically appropriated are directed by law to be applied. Special soldier tax to be applied.

Sec. 3. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed. Repeal.

Approved March 6, 1907.

No. 292.)

AN ACT.

(H. 715.

To authorize the court of county commissioners or board of revenue of any county authorized to levy a special tax for working the public roads to transfer to the road fund any surplus of general county funds in the county treasury.

Section 1. *Be it enacted by the Legislature of Alabama,* That the court of county commissioners or board of revenue of any county of the State authorized by law to levy a special tax for the purpose of working the public roads be and they are hereby authorized and empowered to transfer to the road fund of the county any surplus of general funds of the county in the county treasury or any part of such supplies whenever in the judgment of said court or board it will promote the interest of the county to make such transfer. Any surplus or general funds so transferred shall be used for the working of the public roads as the said court or board may determine. Court of County Commissioners authorized to transfer county treasury funds to road fund.

Repeal.

Sec. 2. That all laws and parts of laws, general, local or special, in conflict herewith be and the same are hereby repealed.

Approved March 6, 1907.

No. 293.)

AN ACT.

(H. 831.

To fix the salary of the judge of the 10th judicial circuit of the State of Alabama at the sum of forty-five hundred (\$4500.00) dollars per annum, and to provide for the payment of as much thereof out of the State treasury as shall be paid to other circuit judges of the State of Alabama and for the payment of the remainder thereof out of the treasury of Jefferson county.

Amount of
salary and
how paid.

Section 1. *Be it enacted by the Legislature of Alabama*, That from and after the passage of this act, the salary of the judge of the 10th judicial circuit of the State of Alabama shall be the sum of forty-five hundred dollars per annum, of which there shall be paid out of the treasury of the State of Alabama such sum as is now paid to the other circuit judges in this State, at such time, in such installments, and in such manner as the salaries of other circuit judges in this State are payable, and the remainder of said sum of forty-five hundred dollars shall be paid out of the treasury of Jefferson county, Alabama, upon the warrants of the board of revenue of Jefferson county, Alabama, in quarterly installments.

Repeal.

Sec. 2. *Be it further enacted*, That all laws, general and local, in conflict herewith, be, and the same are, hereby repealed.

Approved March 6, 1907.

No. 294.)

AN ACT.

(H. 835.)

To authorize municipal corporations to levy and collect a license tax on all exhibitions, trades, business, vocations, occupations, and professions which are now or may hereafter be engaged in or carried on within the limits of such municipal corporation.

Section 1. *Be it enacted by the Legislature of* ^{Municipal cor-}
Alabama, That all municipal corporations, now or ^{porations to}
 hereafter organized under the general incorpora- ^{levy and col-}
 tion law of the State of Alabama, relating to ^{lect license}
 the incorporation of towns, in the exercise of the ^{tax on trades,}
 police power, or for the purpose of raising reve- ^{etc.}
 nue, one or both, shall have power and authority
 to levy and collect a license tax on all exhibitions,
 trades, business, vocations, occupations, and pro-
 fessions, which are now or may hereafter be en-
 gaged in or carried on within the limits of such
 municipal corporations, and to otherwise regu-
 late the same in such manner as the mayor and
 aldermen, or other governing body, may prescribe,
 and to punish by fine and imprisonment, or either, ^{May punish}
 all persons or corporations, who engage in or car- ^{violators.}
 ry on any exhibition, trade, business, vocation,
 occupation or profession without taking out and
 paying the license tax fixed by the mayor and al-
 dermen, or other governing body, of such munic-
 ipality.

Approved March 6, 1907.

No. 299.)

AN ACT.

(H. 149.)

For the relief of A. A. Heard, an ex-confederate soldier, being a resident of Marion county, Alabama. Whereas, A. A. Heard has long been on the pension rolls for Marion county, Alabama, but for the year 1906 his name was dropped from said roll through mistake:

Amount of
warrant
drawn by Au-
ditor.

Section 1. *Be it enacted by the Legislature of Alabama*, That the State auditor be and he is hereby authorized and required to draw his warrant on the treasury of Alabama for thirty (\$30.00) dollars for said pensioner for the year 1906 to be paid out of any balance in the pension fund of the State by the treasurer of the State of Alabama.

Name re-
stored to pen-
sion roll.

Sec. 2. That the probate judge of Marion county, Alabama, and the other pension officers are hereby required to restore the name of said pensioner to the pension rolls.

Approved March 7, 1907.

No. 302.)

AN ACT.

(H. 179.

To make appropriation for the maintenance of the Alabama Industrial School for White Boys for the years 1907, 1908, 1909 and 1910.

Amount of
appropria-
tion.

Section 1. *Be it enacted by the Legislature of Alabama*: That the sum of twenty thousand dollars per year is hereby appropriated out of any money in the State treasury, for the support and maintenance of the Alabama Industrial School for White Boys for each of the years 1907, 1908, 1909, 1910.

Auditor to
draw war-
rant.

Sec. 2. That the State auditor be, and he is hereby authorized and directed to draw his warrants on the State treasurer in favor of the treasurer of the Alabama Industrial school for the payment in equal quarterly installments, of the sum hereby appropriated to the support and maintenance of said school for each of said years provided not more than one hundred dollars per annum shall be paid for the maintenance of each inmate of said school; "provided, further, that of the above appropriation, the sum of thirty-five hundred dollars may be used for repairs, improvements and supplies in addition to the sum of one hundred dollars for the maintenance of each inmate of said school."

Amount allow-
ed for each in-
mate.

Amount used
for repairs and
improve-
ments.

Sec. 3. That all laws and parts of laws in conflict with the provisions of this act be and ^{Repeal.} the same are hereby repealed.

Approved March 7, 1907.

No. 306.)

AN ACT.

(H. 732.

To make a supplemental appropriation for the payment of the increased salaries of the judicial officers of this State. Be it enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated ^{Amount appro-} out of any money in the State treasury the sum ^{iated for} of thirty-five thousand dollars a year, for the ^{trustees of Su-} years 1907, 1908, 1909 and 1910, or so much ^{preme Court.} thereof as may be necessary to pay the salaries of the justices of the supreme court.

Sec. 2. That there is hereby appropriated out of any money in the State treasury, the sum of ^{Chancellors} nineteen thousand two hundred dollars a year, ^{and Supernu-} for the years 1907, 1908, 1909 and 1910, or so ^{merary} much thereof as may be necessary to pay the ^{Judge.} salaries of the chancellors and supernumerary judge.

Sec. 3. There is hereby appropriated out of any money in the State treasury the sum of forty ^{Circuit} eight thousand dollars a year for the years 1907, ^{Judges.} 1908, 1909 and 1910, or so much thereof as may be necessary to pay the salaries of the judges of the circuit courts.

Sec. 4. That there is hereby appropriated out of any money in the State treasury the sum of ^{Judges of City} fifty-seven thousand dollars a year for the years ^{and Law and} 1907, 1908, 1909 and 1910 or so much thereof as ^{Equity} may be necessary to pay the salaries of the judges ^{Courts.} of city courts, law and equity courts and criminal courts which heretofore have been paid out of the county treasuries, but are now payable out of the State treasury.

Approved March 7, 1907.

No. 308.)

AN ACT.

(S. 12.)

To define, prohibit and punish aiding and abetting or counseling or procuring an unlawful sale, purchase, gift or other unlawful disposition of spirituous, vinous or malt liquors, or other liquors prohibited by law from being sold, given or otherwise disposed of.

Defining and punishing unlawful sale of liquors.

Section 1. *Be it enacted by the Legislature of Alabama,* That any person who makes, aids or abets, or who counsels or procures an unlawful sale or unlawful purchase or unlawful gift or other unlawful disposition of spirituous, vinous or malt liquors or other liquors prohibited by law from being sold, given away or otherwise disposed of; or any person who shall act as agent, or assisting friend of the seller or purchaser in procuring or effecting the unlawful sale or purchase of any such liquors must on conviction be fined not less than fifty dollars nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months, and a conviction may be had for a violation of this act under an indictment for retailing spirituous, vinous or malt liquors without a license and contrary to law.

Witnesses before grand jury.

Sec. 2. Witnesses summoned before the grand jury to give evidence may be required to answer generally as to any such offense within their knowledge, committed within the twelve months next, preceding, without being first specially interrogated as to any particular offense; but must not be prosecuted for any offense as to which he testifies before the grand jury; and the solicitor or any member of the grand jury may be a witness to prove that fact.

Approved March 12, 1907.

No. 309.)

AN ACT.

(S. 69.)

To amend sections 897 and 911 of chapter 19, article 1 of the code of Alabama.

Section 1. *Be it enacted by the Legislature of* Alabama, That sections 897, 911 of chapter 19, article 1 of the code of Alabama be amended so as to read as follows: 897 (748) State divided into judicial circuits. The State is divided into judicial circuits, to be numbered and composed of counties as follows: First circuit: Choctaw, Clarke, Marengo and Monroe. Second circuit: Butler, Conecuh, Crenshaw, Escambia and Lowndes. Third circuit: Barbour, Bullock, Dale, Henry and Russell and Lee." Provided, that Lee county shall remain in the third circuit only till the first day of July, 1907, when the law establishing the Lee county court of law and equity and the law detaching Lee county from the third circuit go into effect; and provided further, that the circuit courts of Henry county shall be held on the (17th) seventeenth Monday after the second Monday in Feb. and August of each year. Fourth circuit: Bibb, Dallas, Hale, Perry and Wilcox. Fifth circuit: Chambers, Coosa, Macon, Randolph and Tallapoosa. Sixth circuit; Fayette, Greene, Lamar, Pickens, Sumter and Tuscaloosa. Seventh circuit: Calhoun, Clay, Cleburne, Shelby and Talladega. Eighth circuit: Cullman, Lawrence, Limestone, Madison and Morgan. Ninth circuit: Cherokee, DeKalb, Jackson and Marshall. Tenth circuit: Jefferson. Eleventh circuit: Colbert, Franklin, Lauderdale and Marion. Twelfth circuit: Coffee, Covington, Geneva, Houston and Pike. Thirteenth circuit: Baldwin, Mobile and Washington. Fourteenth circuit: Walker and Winston. Fifteenth circuit: Autauga, Chilton, Elmore and Montgomery. Sixteenth circuit: Etowah, St. Clair and Blount.

Sec. 2. That section 911 of the code of 1896, be amended so as to read as follows: 911. The Time of holding court.

- Thirteenth circuit.** circuit courts in the thirteenth judicial circuit shall be held in each year as follows: 1. In the county of Baldwin on the first Monday in March and October, and may continue three weeks. 2. In the county of Washington on third Monday after the first Monday in March and October, and may continue three weeks. 3. In the county of Mobile on the sixth Monday after the first Monday in March and October, and may continue until the first Monday in March and October following. 911a. The circuit courts in the fourteenth judicial circuit shall be held in each year as follows: 1. In the county of Winston on the second Monday in January and July, and may continue two weeks. 2. In the county of Walker on the fourth Monday in January and July and may continue until the business is disposed of. 911b. The circuit courts in the fifteenth judicial circuit shall be held in each year as follows: 1. In the county of Elmore on the second Monday after the fourth Monday in February, and may continue two weeks, and on the first Monday in July and may continue one week; and on the third Monday after the third Monday in September and may continue two weeks. 2. In the county of Autauga on the fourth Monday after the fourth Monday in February, and may continue two weeks; and on the second Monday in July and may continue one week; and on the fifth Monday after the third Monday in September and may continue two weeks. 3. In the county of Chilton on the sixth Monday after the fourth Monday in February, and may continue two weeks; and on the third Monday in July and may continue one week and on the seventh Monday after the third Monday in September and may continue two weeks. 4. In the county of Montgomery on the second Monday in January and may continue until the business is disposed of, and on the third Monday in September and may continue until the business is disposed of. The terms of court in Montgomery shall not be affected by the terms of court, to be held in the counties of Autauga, Chilton and Elmore, but
- Fourteenth circuit.**
- Fifteenth circuit.**

the judge thereof, may, when he deems it necessary, recess said term to be held in the county of Montgomery without adjourning the same. That in the county of Montgomery no grand jury shall be organized for said court, unless in the opinion of the presiding judge the public good requires it; and when organized it shall be done in the same manner as now provided by law for the organization of grand juries for a special or adjourned term of the circuit courts of the State.

911 c. The circuit courts in the sixteenth judicial circuit shall be held in each year as follows: Sixteenth circuit.

1. In the county of Blount on the first Monday in January and June, and may continue one week, for the trial of cases, where triable by the court or judge without a jury; and on the first Monday in March and September, and may continue two weeks for the trial of cases to be tried by jury, both civil and criminal. 2. In the county of St. Clair on the second Monday in January and June and may continue one week for the trial of cases triable by the court or judge without a jury, and on the third Monday in March and September, and may continue two weeks for the trial of civil and criminal cases, by jury. 3. In the county of Etowah on the third Monday in January and June, and may continue until the business is disposed of; only cases triable by the judge or court without a jury shall be tried at these terms, unless otherwise ordered by the judge; and on the first Monday in April and October and may continue until the business is disposed of; only cases to be tried by a jury shall stand for trial at these terms, unless otherwise ordered by the judge or court as provided by law. In Blount and St. Clair counties grand and petit juries shall be summoned and empanelled at the second and fourth terms as herein provided in each year, and all cases pending in the circuit courts of said counties which are triable by jury, both civil and criminal shall be tried. In the county of Etowah no grand jury shall be drawn or summoned at any time, unless ordered

Branch court
at Sylacauga.

by the judge or court as provided by law." The circuit court of Talladega county shall be held at Talladega on the second Mondays after the second Monday in January and July and may continue two weeks; and at Sylacauga, on the second Mondays in January and July and may continue two weeks; provided, that before said court shall be held at Sylacauga, a member of the court of county commissioners of said county shall make and file with said court of county commissioners, a certificate, that, a building, suitable in all respects in which to hold said court, has been provided without expense to the county."

Effect.

Appointment
of officers.

3. That this act shall go into effect from and after its approval and the governor shall immediately appoint a judge and solicitor for circuits in which a vacancy of such offices may exist.

Approved March 6. 1907.

No. 310.)

AN ACT.

(S. 74.

To amend sections 1310 and 1313 of the Code of Alabama of 1896.

Mode of in-
corporating so-
cial and liter-
ary societies.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 1310 of the Code of Alabama of 1896 be amended so as to read as follows: "1310 (1702) (2005) social and literary societies:—Whenever ten or more persons desire to form a society for the social and literary advancement of its members, they may become incorporated and entitled to all the privileges of private corporations in the following manner;—1. Such persons shall first adopt a constitution and elect officers, and such officers shall file in the office of the judge of probate of the county in which such society is located, a declaration in writing, stating the name, object and purposes of the society, the adoption of the constitution, the

names and style of its officers, the number of its members, and whether such society issues shares of stock, or is formed for pecuniary purposes, and if so, then the amount of stock, the number of shares into which it is divided, and by whom held.

2. The declaration shall be signed by the officers, acknowledged or proved as in the case of deeds, and recorded in the office of such judge of probate."

Sec. 2. Be it further enacted by the legislature of Alabama that section 1313 of the code of Alabama of 1896 be amended so as to read as follows :

—Sec. 1313. May increase membership.—Any society which has heretofore, or which may hereafter be organized under the laws of this State, for the social and literary advancement of its members, may enlarge its membership, by filing in the office of the judge of probate of the county in which such society was incorporated, a written declaration, signed by a majority of the existing members of such society, to the effect that such extension is declared and made, and fixing the limit thereof."

Approved March 12, 1907.

No. 311.)

AN ACT.

(S. 154.

To define and regulate public warehouses in incorporated towns and cities for the storage of cotton or other articles of value for compensation, and to provide a punishment for the violation of the provisions of this act.

Section 1. *Be it enacted by the Legislature of Alabama,* That any person, firm or corporation, may open a warehouse in incorporated towns and cities for the storage of cotton or other articles of value for compensation under the rules, restrictions and regulations of this act; and all such warehouses in incorporated towns and cities are hereby declared to be public warehouses.

Public warehouse defined.

License to be
procured.

Contents of li-
cense.

License re-
vocable.

Bond re-
quired of per-
sons receiving
license.

Amount and
condition of
bond.

Sec. 2. The proprietor, lessee or manager of any such warehouse in incorporated towns and cities shall be required, before transacting any business as such warehouseman, to procure from the judge of probate of the county in which such warehouse in incorporated towns and cities is opened, a license permitting such proprietor, lessee or manager, to transact business as a public warehouseman for the storage of cotton or other articles of value for compensation under the laws of this State, which license shall be issued by said judge of probate upon written application, which shall set forth the location and name of such warehouse in incorporated towns and cities and the individual name of each person interested as owner or principal in the management of the same; or if the warehouse in incorporated towns and cities be managed or controlled by a corporation, the names of the president, secretary, and treasurer of such corporation shall be stated; and the said license shall give authority to carry on and conduct the business of a public warehouse in incorporated towns and cities for the storage of cotton or other articles of value for compensation in accordance with the laws of this State; and shall be revocable by the said judge of probate upon a regular proceeding before him for that purpose upon the complaint of any person in writing setting forth the particular violation of law, and upon satisfactory proof to be taken in such manner as may be directed by the said judge.

Sec. 3. The person, firm or corporation receiving a license under the provisions of this act shall file with the said judge of probate, issuing said license, a bond with two or more good and sufficient sureties to be approved by said judge, or with some surety company that has complied with the laws of the State of Alabama, as surety, and payable to the State of Alabama in the sum of five thousand dollars, conditioned for the faithful performance of his, their or its duties as a public warehouseman for the storage of cotton or other articles of value for compensa-

tion, and as indemnity and security to any and all persons, storing cotton or other articles of value in said warehouse, in incorporated towns and cities their executors, administrators, heirs or assignees, for the payment of any and all damages he or they may sustain for the breach of any duty owed him or them by said warehousemen as such under the laws of this State.

Sec. 4. Said bond shall be filed and recorded by the probate judge of such county in which said warehouse in incorporated towns and cities is opened in his office in a suitable book to be kept for such purpose; and the said probate judge shall receive for his services in recording said bond at the rate of fifteen cents per hundred words, and for issuing said license shall receive the sum of fifty cents, and for approving said bond, shall receive the sum of one dollar, to be paid by the said party applying for said license before the issuance of the same.

Bond; where
filed and re-
corded.

Fees of Pro-
bate Judge.

Sec. 5. Any person aggrieved may sue on the said bond in his own name for the breach thereof until the penalty is exhausted.

Parties ag-
grieved may
sue on said
bond.

Sec. 6. Any person, firm or corporation who shall transact the business of a warehouseman for the storage of cotton or other articles of value for compensation, without first securing a license and giving bond as herein before required, or who shall continue to transact such business after such license has been revoked or such bond may have become void or found insufficient security for the penal sum for which it is executed by the judge approving the same (save only that he may be permitted to deliver property previously stored in said warehouse in incorporated towns and cities) shall be guilty of a misdemeanor, and upon conviction be fined in a sum not less than one hundred nor over five hundred dollars for each and every day such business is carried on.

Penalty for
violating pro-
visions of act.

Sec. 7. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Repeal.

Approved March 7, 1907.

No. 314.)

AN ACT.

(S. 219.)

To provide for the revocation of the license or right to engage in or carry on the business of transportation, originating and terminating in this State, of freight or passengers, of any foreign corporation which is now engaged, or which may hereafter engage in such business or the business of common carrier in this State in the event such corporation shall, for any of the purposes specified in this act, institute in any federal court any suit or proceeding, or shall remove or cause to be removed to any federal court any suit or proceeding instituted in any State court for any of the purposes specified in this act.

Foreign corporation operating railroad in Alabama forfeits right to engage in business in Alabama by instituting or removing proceedings to Federal Court.

Section 1. *Be it enacted by the Legislature of Alabama*, That if any foreign corporation, or corporation organized under and deriving its existence from the laws of another State, government or country, owning, operating, managing or controlling as a common carrier any railroad in whole or in part in this State, or which may hereafter own, operate, manage or control such railroad, or any such foreign corporation which is now, or which may hereafter be engaged in or carry on as a common carrier in this State the business of or relating to the transportation of freight or passengers, over which business or corporation the railroad commission of Alabama has under the laws of this State, any supervision or control, shall institute or commence in any federal court any suit, action or proceeding of any kind or, having instituted said suit or proceeding in a State court, shall remove or cause the same to be removed to a federal court, for the purpose of having annulled, or suspended, or enjoined, or restrained, or in any way affected or interfered with, any rate or charge, or any order establishing or prescribing any rate or charge, for the transportation by any common carrier of freight or passengers or any classification of ar-

ticles of freight made by the railroad commission of Alabama, or any such rate or charge or classification established or prescribed by statute or any rate or charge which has been made a maximum rate or charge by statute, or any order of said railroad commission or provision of any law or statute of this State establishing or prescribing any rules, regulations, practice or service, or acts or duties, or relating thereto, to be observed, done or performed by transportation companies in this State, or the enforcement of such rates, charges, classifications, orders, rules, regulations, practice, service, acts, duties, or provisions of law; or for the purpose of having any statute or law of this State prescribing any such rate, charge, classification, rule, regulation, practice, service, act or duty, or any provision of such statute or law, declared invalid or inoperative; the act of said foreign corporation in so instituting or commencing or removing said suit, action or proceeding shall *ipso facto* cause a forfeiture of, and said foreign corporation shall *ipso facto* forfeit, all its right or license to engage in or carry on the business of the transportation, originating and terminating in this State, of freight or passengers, and its right or license to engage in or carry on such business in this State shall by said act itself be revoked and shall cease.

Sec. 2. If any such foreign corporation designated in section 1 of this act shall, remove or cause or procure to be removed to any federal court any suit, action or proceeding of any kind instituted or commenced in a State court by or on behalf of the railroad Commission of Alabama, or the State of Alabama, or by any person, firm, company, association or corporation doing business in this State authorized to institute such suit, to compel obedience to or the observance or enforcement of any order of the railroad commission of Alabama or any provision of any law or statute of this State relating to or connected with or prescribing any rate or charge or compensation for the trans-

Penalty for removing suit to Federal Court instituted in State court by Railroad Commission, etc.

portation of freight or passengers by transportation companies or common carriers, or any rule, regulation, practice, service, act or duty to be observed, done or performed by such companies, or any suit, action or proceeding of any kind instituted in a State court by or in behalf of said railroad commission of Alabama, or the State of Alabama, or by any person, firm, company, association or corporation to recover for the breach of any bond or other undertaking given by such foreign corporation in pursuance of any law of this State to procure the suspension of any rate or charge for the transportation of freight or passengers, or classification of freight, however established or prescribed or any order relating thereto, or of any rule, regulation, practice, service or act or duty, prescribed by law or by the railroad commission, or any order relating thereto, or given to procure the issue of any order enjoining or restraining or suspending of such rate, charge, classification, rule, regulation, practice, service, act, or duty, or order relating thereto, or given by it on any appeal by it from any order or judgment of any court granting any writ of mandamus or mandatory injunction against it; or any suit, action or proceeding to recover any excess rate or charge or rate or charge over and above the lawful rate for the transportation of freight or passengers, or to recover any penalty or forfeiture for which it has become liable, under the provisions of any law of this State, to any person, firm, company, association or corporation or to the State of Alabama; or if said foreign corporation, after having instituted or commenced in a State court any suit, action, or proceeding for any of the purposes in this act specified, shall remove said suit, action or proceeding, or cause or procure the same to be removed to a federal court; said acts, or any of them, of said foreign corporation in so removing, or causing or procuring the removal of, any such suit, action or proceeding from the State court to a federal court, shall *ipso facto* cause a forfeiture

of, and by reason thereof said foreign corporation shall *ipso facto* forfeit all its right or license to engage in or carry on the business of the transportation, originating and terminating within this State, of freight or passengers, and its right or license to engage in or carry on such business in the State of Alabama shall by said act be revoked and shall cease.

Sec. 3. That this act shall not be so construed, nor shall the revocation of such foreign corporation's right or license to engage in such business in this State, be so construed as to interfere with any of the rights of such foreign corporation relating to interstate commerce guaranteed by the constitution and laws of the United States.

Ineffective as to rights of corporations relating to Interstate Commerce.

Sec. 4. That this act shall go into effect immediately upon its passage and approval.

Approved March 6th, 1907.

No. 316.)

AN ACT.

(S. 188.)

To provide that under certain conditions an election may be held in the several counties in Alabama, each county acting by and for itself only, as to whether municipal corporations in such counties shall have authority to buy and sell spirituous, vinous or malt liquors; to provide that the voters at said election shall vote "For Dispensary" or "Against Dispensary;" to declare the result and effect of said election; to define the term "Dispensary," as used in this act; to provide that in those counties in which, at the election aforesaid, a majority of the votes are cast "For Dispensary," the municipal corporations in said counties shall have authority to establish, maintain and operate dispensaries, and in and through such dispensaries to buy and sell spirituous, vinous and malt liquors; to prohibit and punish the selling of liquors and intoxicating drinks in said counties in any other way than by such municipal

corporations through their dispensaries; to declare that the violation of certain provisions of this act shall be a misdemeanor and to provide for the punishment thereof; and to further regulate the sale of liquors in said counties: this act not being intended, however, to repeal or affect any law which prohibits the sale of liquor in any county or part of a county, or to repeal or affect any law which authorizes municipal corporations to buy and sell liquors in any county or part of a county by and through dispensaries, or to repeal any local law authorizing the sale, without license, of wines made from grapes or berries grown in this State. Be it enacted by the Legislature of Alabama, as follows, to-wit:

How election
ordered.

Section 1. One-fifth of the qualified voters of any county, as shown by the last preceding registration may file with the probate judge of their county a petition asking that an election be held in said county as to whether dispensaries shall be established in such county. Fifteen days after the filing of such petition the probate judge shall order an election to be held in said county on some Tuesday that shall not be less than forty nor more than sixty days subsequent to the day on which such order is made, nor within thirty days of the time of holding in said county any State or national, general or primary election. The probate judge shall furnish the sheriff with a copy of said order, and the sheriff shall give notice of said election by publication for twenty days in some newspaper of his county, or, if no newspaper is published in such county, by posting notices of such election in seven public places in said county.

Appointment
of election of-
ficers.

Sec. 2. The probate judge, clerk of the circuit court and sheriff of the county in which an election is ordered under this act shall, within ten days after the election is so ordered, appoint three inspectors or managers, two clerks and one returning officer for each precinct, polling or voting

place in said county to manage, conduct and make the returns of such election. Such managers and clerks so appointed shall as far as practicable be equally divided between those who favor and those who oppose the establishment of dispensaries in such county for the sale of liquor. If county executive committees have been elected or appointed to conduct the canvass on either side, and if before the appointment of inspectors and clerks the chairman of any such committee furnishes the probate judge, clerk of the circuit court and sheriff of his county, which said three officers shall be a board of supervisors, with a list containing as far as practicable the names of three men for each precinct in said county, all of said men having the qualifications required by law of inspectors of elections, when county officers are to be elected, then from said list the board of supervisors shall select for each precinct one man who shall be one of the managers for the precinct for which he was one of the men suggested. From the names suggested for the several precincts such board shall select one man as a clerk for the precinct for which he was suggested.

Sec. 3. As soon as practicable after the ap-
pointment of such managers, clerks and return-
ing officers for said election, the sheriff shall no-
tify them in writing of their appointment.

Sheriff to no-
tify election
of officers.

Sec. 4. The probate judge shall prepare and
provide the necessary ballots, poll lists, tally
sheets, return sheets, instructions for holding the
election, ballot boxes, voting booths, and other
stationery or material necessary for the proper
holding of the election, and it shall be the duty of
the sheriff to see that the same are delivered to
one of the managers of each election precinct or
voting place before the day of election. On the
ballots to be used at said election shall be written
or printed the words, "for dispensary," and under
them the words, "against dispensary." Electors
who favor the dispensary system for the sale of li-
quors that is hereinafter set forth shall make on
the ballot a cross mark before the words, "For dis-

Election sup-
plies, how pre-
pared and fur-
nished.

How votes
cast.

Unlawful to dispose of liquor on election day or day preceding.

Duty of election managers as to returns of election.

Board of supervisors to canvass returns.

Proclamation of result of election.

dispensary," and electors who oppose such system shall mark on the ballot a cross mark before the words, "against dispensary." But no ballot or vote shall be rejected or the count thereof refused for failure to comply with this section, if the ballot clearly shows or indicates the choice of the voter. Any person who sells or gives away in any county in which said election is held any liquors or intoxicating drinks of any kind or description on the day on which the aforesaid election is held, or on the day next preceding, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars.

Sec. 5. Immediately after the polls are closed, the managers shall duly ascertain the result of the election at their respective voting places, and make due returns of the same to the probate judge of said county, and deliver the ballot box containing the returns so made, together with the ballots, poll lists, tally sheets and other necessary papers to the returning officer for such voting place, who shall deliver the same to the probate judge of such county at his office on the first day after the election.

Sec. 6. The probate judge, clerk of the circuit court, and sheriff, acting as a board of supervisors shall in open session on the first Saturday after the election, canvass the returns so made and under oath, make a written report or statement declaring the result of the election as to the entire county, showing the number of votes cast in each precinct "for dispensary," and the number cast in each precinct "against dispensary." This report shall be filed at once in the office of the probate judge. In a newspaper published in his county, or, if there be no newspaper published in such county, then by a notice posted at the door of the court house and in two other public places in his county, the probate judge shall make a proclamation stating the total vote of the county "for dispensary" and the total vote of the county "against dispensary," and which side had a ma-

jority at such election, and the amount thereof. If a majority of the votes cast at such election were "for dispensary," then in such proclamation the judge of probate shall also state and declare that his county, giving its name, is and shall be a dispensary county under the dispensary local option act of 1907.

Sec. 7. Any manager, clerk, returning officer or other officer of said election who, without sufficient excuse, shall fail or refuse to perform any duty required of him under the provisions of this act or of the general election law shall be liable to a penalty of not less than twenty-five nor more than five hundred dollars to be recovered in a suit brought against him by the county in which the election was held. He shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars.

Sec. 8. All men who in their several counties are qualified electors under the constitution and general election laws of this State at the time of the election herein provided for, and only such shall be entitled to vote at any election held under the provisions of this act.

Sec. 9. It shall be the duty of the sheriff, deputy sheriff, or any constable to arrest without process, or any person who violates the provisions of this act, or the provisions and incidents of said election laws, and commit him to jail until he shall give bond, with good and sufficient sureties, to be approved by the sheriff, for his appearance at the next term of the circuit, county, or city court having jurisdiction of the offense, to answer any indictment which may be found against him.

Sec. 10. A contest of the election held under this act in any county may be made by any qualified elector of the county by executing a bond, with two sufficient sureties, to be approved by the judge of probate of the county for the payment of the costs of the contest. Notice of the contest shall be served on the circuit solicitor of the county in which the contest is instituted. Upon the

Failure of election officers to perform duty; penalty.

Persons entitled to vote.

Duty of sheriff to arrest parties violating law.

Contest; how made.

execution of a bond for costs signed by three or more qualified electors of such county, to be approved by the judge of probate of the county, said solicitor shall respond in the name of the county, and the county shall be contestee. Both in the lower and appellate courts said contest shall be a preferred case.

Elections held under provisions of general law; exceptions.

Sec. 11. All provisions and incidents of the election law of this State, including a contest, which pertain to the election of judges of probate shall be observed at the election herein ordered, as far as the same are applicable and not out of harmony with the provisions of this act. In general, all elections held under this act shall be held and conducted, except where it is otherwise provided in this act, under the general election laws of this State, and the officers of election under the general election laws of this State shall discharge and perform the same duties and receive the same compensation as are required of them and is provided for them in the general election laws of this State. Such compensation and all costs of election shall be paid out of the county treasury of the county in which the election is held.

Costs of election; how paid.

Period between elections held under this act.

Section 12. Different elections in the same county may be held under this act. But when any election has been held under this act in any county, no other election shall be held in such county under this act within two years from the date of such election.

Counties voting for dispensary; how designated.

Sec. 13. All counties in which at the election held under the provisions of this act, a majority of the votes were ascertained and declared to have been cast "for dispensary," are designated in this act as "dispensary counties under the dispensary local option act of 1907."

Incorporated cities and town to establish and operate dispensaries.

Sec. 14. Each incorporated city and town in each of the "dispensary counties under the dispensary local option act of 1907," except the towns hereinafter described, shall have authority on and after the first day of January next succeeding the time of the election held under this act in the county in which such cities and towns

are severally situated, to establish, maintain and operate in its corporative name, in its corporate capacity and through its legislative body, the business of buying and selling spirituous, vinous, and malt liquors, subject to the conditions and restrictions hereinafter mentioned. The place at which said business of buying and selling liquors is carried on shall be called a dispensary. The term dispensary in a general sense includes the place at which liquors are stored. But in this act the term when it refers to a particular place, refers to the place where liquors are sold. In each of said towns or cities which has a population of ten thousand persons or less, there shall be one dispensary, and only one. In towns or cities that have a population greater than ten thousand, and not exceeding twenty thousand, there may be two dispensaries. In general, there may be in each city a dispensary for every ten thousand of its population. Cities whose population is over twenty thousand, and between multiples of ten thousand, may have a dispensary for every ten thousand of its population, and an additional dispensary for the excess of its population over the lower one of the said multiples. But no dispensary shall be established in a town that has less than three hundred inhabitants unless, said town is a county site. The population of towns and cities shall be determined by the last preceding federal census. These dispensaries shall be established and carried on only within the corporate limits of such towns or cities. Each municipality that carries on such business shall invest in the business at the outset a sum of money not less than three hundred dollars, nor more than ten thousand dollars, for each dispensary it may establish and carry on. The liquors bought and sold, as herein provided, shall be of the purest and best quality.

Number of dispensaries according to population.

How population determined.

Amount of money to be invested.

Sec. 15. The office of purchasing agent for the dispensary is hereby created, and there shall be a purchasing agent for each dispensary that may be established. The first purchasing agents

Office of purchasing agent created; term of office and duties of.

for a dispensary or dispensaries established in any county under this act shall be elected within three months after the judge of probate has made proclamation as above provided that his county is one of the dispensary counties under the dispensary local option act of 1907, and the term of office of said purchasing agents shall begin on the day on which the dispensary is to open and shall continue for two years. The term of their successors in office shall be two years. Purchasing agents shall not hold office for more than two terms in succession. But the filling of a vacancy shall not be considered as one of said successive terms. Under all events, however such purchasing agent shall hold office until his successor is elected and qualified. The purchasing agent shall purchase and deliver to his dispenser, the man who fills an office hereinafter created, all the liquors that are to be sold in the dispensary. The purchasing agent is authorized to employ a chemist to inspect and analyze any liquors which he contemplates purchasing, or has already purchased, and he shall not deliver to the dispenser any liquor which the chemist has pronounced unsuitable for use. Said agent shall return such liquors to the person, firm or corporation from whom he bought them and make reclamation therefor if he has already paid for the same. He may buy in bulk, and have the liquors put in bottles. Whiskies, brandies and gin shall be put in bottles that hold only one pint, in bottles that hold only one-half of a pint, in bottles that hold only one-fourth of a pint, in bottles that hold only one-eighth of a pint, and in bottles that hold only one-sixteenth of a pint, to the end that persons may be able to buy whiskies, brandies and gin in the small quantities above mentioned. But no whiskies, brandies or gin shall be put in bottles that hold more than one pint. The premises in which the bottling is done shall be different from those in which the dispensary is situated. But they shall be in the same town as the premises of the dispensary.

Liquors to be bottled; quantity put in same.

The place where the liquors are received and bottled and from which they are sent to the dispensary shall be called the storage room. The storage room shall be a part of the dispensary. But when the term dispensary is used in this act to designate a particular place, it refers, unless the contrary is indicated by the context, to the place where liquor is sold, and not to the storage room. This storage room shall not be open and work shall not be done in the same between the hours of 6 p. m. of one day and 6 a. m. of the next day. The purchasing agent shall pay cash for all liquors purchased by him, by drawing his warrant on the dispenser, and the dispenser shall pay said warrant. The purchasing agent shall not sell or give away any liquor whatever. Each purchasing agent shall select and appoint each and every assistant, servant and employee that may be used in or about his work, and he shall be liable civilly for the acts and omissions of each of said assistants, servants and employees. The number of the purchasing agents assistants, servants and employees, and the salaries and wages to be paid to each, shall be determined by the legislative body of the town or city in which the dispensary is located. Said salaries or wages shall be paid monthly on the last day of each month, and they shall be made known to the assistants, servants and employees before such assistants, servants and employees are engaged. Said salaries and wages shall in no way or manner whatever be made or permitted to depend upon the amount of the sales of the dispensary. The purchasing agent shall keep an accurate account of what he purchases and what he delivers to his dispenser. He shall fix the selling price of liquors, and when bottling liquors he shall put a label on each bottle which shall state the kind and price of the liquor it contains. The price shall be an amount not greater than fifty per cent. (50%) above the original cost or invoice price. He shall keep an accurate account of all liquors purchased by him and of all liquors delivered by

Time of opening and closing storage room.

Assistants of purchasing agent.

him to his dispenser, and for all liquors so delivered he shall take a receipt from the dispenser. On the first day of each month the said purchasing agent shall make a report to the legislative body of his town or city on such forms and in such way and manner as said body may direct. All books, papers, accounts and records of the purchasing agent shall at all times be open to the inspection of the dispenser and of the legislative body of his town or city and of every member of said body, and of every citizen of the county. Under the provisions of this act, and under the ordinances, rules and regulations of the legislative body of the town or city in which the dispensary is located which said ordinances, rules and regulations shall in no wise be inconsistent with the provisions of this act each purchasing agent shall manage and conduct the storage room of the dispensary for which he was elected and discharge the duties of his said office.

Penalty for purchasing agent receiving commission, per centage, etc.

Sec. 16. If the purchasing agent personally takes or receives, directly or indirectly, any commission, per centage, rebate, gift, present or compensation of any kind whatsoever, on account of his connection with his office, he shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one thousand dollars, and also be sentenced to hard labor for the county for not more than twelve months, one or both at the discretion of the jury.

Office of "dispenser" created; term of office; salary of; duties.

Sec. 17. The office of dispenser is hereby created, and there shall be a dispenser for each dispensary that may be established. The first dispensers shall be elected within three months after the aforesaid proclamation of the judge of probate, that his county is a dispensary county under the dispensary local option act of 1907. Their term of office shall begin on the first day of January next succeeding said proclamation, and shall continue two years. The term of their successors in office shall be two years. Dispensers shall not hold office for more than two terms in succession. But the filling of a vacancy shall not be consid-

ered one of said successive terms. Under all events each dispenser shall hold office until his successor is elected and qualified. Under the provisions of this act, and under the ordinances, rules and regulations of the legislative body of the town or city in which the dispensary is located—which said ordinances, rules and regulations shall in no wise be inconsistent with the provisions of this act,—each dispenser shall manage and conduct the dispensary for which he was elected. Each dispenser shall select and appoint each and every assistant, servant and employee that may be used or employed in or about his dispensary, and he shall be liable civilly for the acts and omissions of each of said assistants, servants and employees. The number of the dispenser's assistants, servants and employees, and the salaries and wages to be paid to each, shall be determined by the legislative body of the town or city in which the dispensary is located. Said salary or wages shall be made known to the assistants, servants and employees before such assistants, servants and employees are engaged and said salaries or wages shall be paid on the last day of each month for services rendered during that month. Such salaries and wages shall in no way or manner whatever be made, or permitted to depend upon the amount of the salary of such dispensary.

Sec. 18. For the purpose of aiding as herein-after prescribed, in the selection of purchasing agents and dispensaries, a meeting of the court of county commissioners of each county in whose towns or cities a dispensary is herein authorized to be established, shall be called whenever necessary. At any regular or called meeting of said court of county commissioners, that may be held within two months after the judge of probate has issued his proclamation declaring that his county was one of the aforesaid dispensary counties under the dispensary local option act of 1907, and at any regular or called meeting of said court that may be held between the last day of Septem-

Mode of elect-
ing dispen-
sers.

Qualifications
dispenser.

Dispenser not
to interfere
with duties of
purchasing
agent.

ber of the year in which said proclamation was made, and the sixteenth day of December of that year, and at any regular or called meeting of said court that may be held between the last day of September and the sixteenth day of December every two years after said period of said last mentioned year, said court of county commissioners shall furnish to the mayor or other chief executive of those towns and cities in their respective counties in which dispensaries are herein authorized to be established, the names of three times as many men as the number of dispensaries which such towns and cities of their respective counties are severally authorized to establish, specifying the men who are nominated or assigned to each town or city in their county and stating that the men whose names are so furnished are the men from whom the legislative body of such towns and cities must select its dispenser or dispensers. These men shall be residents of the county by whose court of county commissioners they may be selected, shall be twenty-one years old, and shall be regarded as honest, temperate, law-abiding, and competent to manage and conduct a dispensary in said towns or cities. Before the first day of the first term of office, and before the first day of each succeeding term of office herein provided for, the legislative body of each of said towns and cities shall from the names so nominated and furnished, elect a dispenser or dispensers for its town or city, assigning to each dispenser his dispensary. Said dispenser, under the direction and control of the legislative body of the town or city in which his dispensary is situated—so far as said direction and control, are not inconsistent with the provisions of this act—shall sell liquors and manage and conduct the dispensary for a term of two years, and until his successor is elected and qualified. But he shall not interfere with the duties and privileges of the purchasing agent that are herein prescribed, or control him in such matters. Each town or city that has a dispensary shall provide its dispenser with whatever money within

the aforesaid limits, that it wishes to use in conducting the business. Before entering upon the duties of his office, each dispenser shall make affirmation before an officer authorized to administer oaths, that he will obey all laws of the State of Alabama, and of the town or city of which he is dispenser, relative to the sale, giving away, or delivery of liquors of any kind. He shall also before beginning business, execute to his town or city a bond, conditioned for the honest and faithful discharge of his duty as such dispenser. Said bond shall be for the sum of three thousand dollars, shall have two sufficient sureties, and shall be approved by the mayor or other chief executive of said town or city. Any person who may be injured by the failure of the dispenser to observe the provisions of this act or of any rule, ordinance or regulation of his town or city in reference to his dispensary may sue said dispenser on his said bond. For neglect of business, incompetency, misfeasance or malfeasance in office, a dispenser may be impeached by the legislative body of the town or city of which he is dispenser, and, for cause, to be judged of by said body, said dispenser may be removed from office. Whenever a vacancy in said office occurs in any town or city, from any cause whatever, the mayor, or other chief executive of such town or city, shall certify that fact to the judge of probate of the county in which said town or city is situated. Said mayor, or other chief executive, of such town or city may appoint a temporary dispenser until the vacancy shall be filled as herein provided. But such temporary dispenser shall in no event hold office longer than twenty days. Said judge shall immediately call a meeting of the court of county commissioners of his county, and said court shall nominate and furnish to said mayor, or other chief executive, the names of three men having the aforesaid qualifications for dispenser, and from these three names having the aforesaid qualifications for dispenser, and from these three names

Oath of dispenser.

Bond.

Vacancy; how filled.

the legislative body of said town or city shall elect a dispenser to fill the vacancy.

Provisions of section 18 apply to purchasing agent.

Sec. 19. All the provisions of the foregoing section in reference to the mode of electing dispensers, the oath and qualifications of dispensers, the bond and liabilities of dispensers; the impeachment of dispensers, the filling of vacancies in the office of dispenser, and all other provisions of said section, unless the contrary is indicated by the context, or else where in this act shall, the names being changed, apply to and be observed in the case of purchasing agents.

Salary of dispenser and purchasing agent; how fixed and paid.

Sec. 20. The legislative or governing body of the towns and cities in which dispensaries may hereafter be operated under this act shall pay to its purchasing agent or purchasing agents and to its dispenser or dispensers, a salary which shall be fixed by said body before the dispensers and purchasing agents are elected and shall not be changed during their term of office. The salaries of dispensers shall not be less than five hundred dollars per annum, and shall be paid in equal monthly installments on the last day of each month. The salary of the purchasing agent shall be eighty per cent. of that of the dispenser and shall be payable monthly on the last day of each month. Said legislative body shall not make or permit the amount of the salary of the purchasing agent or the amount of the salary of the dispenser to depend in any way, or in any degree whatever, on the amount of sales that may be made by its dispenser or dispensers.

Salary not to depend on amount of sales.

Liquors sold to same person only once a day.

Sec. 21. The dispenser shall not sell, hand, or deliver liquors to the same person oftener than once in any one day whether the sale, handling or delivery be to such person on his own account or for his own use and benefit, or an account of or for the use and benefit of some other person, or some firm or corporation. He shall not make

Hours of sale. any sale between the hours of 6 p. m. of one day and 6 a. m. of the next day.

Sec. 22. If the dispenser, or any of his assistants, servants or employees, sells, hands or delivers liquors of any kind to the same person oftener than once in any one day, or makes any sale of such liquors between the hours of 6 p. m. of one day and 6 a. m. of the next day, the person so selling, handling or delivering shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars. Any person who purchases, or attempts to purchase, liquor from the dispenser oftener than once in any one day shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars.

Penalty for violation as to number of sales and time of making same.

Unlawful for parties to purchase liquor more than once on same day.

Sec. 23. Said dispenser shall not himself drink, consume, or give away liquor of any kind, or in any quantity, on the premises of his dispensary. Said dispenser shall not permit or suffer any assistant, servant, employee, purchaser, or any person whomsoever to drink, consume, or give away, any liquor on said premises. Said purchasing agent shall not himself drink, consume or give away liquor of any kind, or in any quantity, on the premises of the storage room. Said purchasing agent shall not permit or suffer any assistant, servant, employee, or any person whomsoever to drink, consume or give away any liquor on the premises of his storage room. But this section shall not be construed so as to prohibit the dispenser or purchasing agent, or some employee designated by the latter, from sampling liquors which the purchasing agent may contemplate purchasing. Said dispenser and said purchasing agent shall report to the grand jury any one whom they, or either of them, believes to be guilty of violating the provisions of this section.

Liquor not to be drank on premises of dispensary.

Sec. 24. Any person who drinks or consumes any liquor on the premises of the dispensary or on the premises of the storage room, except the dispenser, the purchasing agent, or an employee of the purchasing agent when they are sampling liquors, as permitted in section twenty-three (23) of this act, shall be guilty of a misdemeanor, and,

Penalty for consuming liquor on premises of storage room or dispensary.

Liquor kept
only in sealed
packages.

on conviction, shall be fined not less than ten nor more than one hundred dollars.

Sec. 25. The dispenser shall not keep in his dispensary any broken package of liquor. If any package should accidentally be broken, the contents shall at once be bottled and the bottle sealed. The dispenser shall not sell any spirituous, vinous or malt liquors that are not contained in sealed packages.

Duty of dis-
pensers as to
sale of liquor.

Sec. 26. The dispenser shall sell no liquors of any kind except those which he receives from the purchasing agent of his dispensary. He shall not sell on Sundays, or sell to minors or to persons of known intemperate habits. He shall not sell at one time more than one pint of whiskey, brandy or gin, or of any two of these liquors, or of all of them together. He shall sell for cash only. He shall keep, an accurate record of the amount of each day's sales. All books, papers, accounts and records of the dispenser shall at all times be open to the legislative body of his town or city and of every member thereof and of every citizen of the county. On the first day of each month each dispenser shall make to the legislative body of his town or city a complete statement of the assets and liabilities of his dispensary as they stood on the last day of the preceding month. Said report shall also state the average number of sales for each business day during the preceding month. Said report shall at once be published in a newspaper published in the dispenser's county. Such report shall be made on such forms, and under such directions, rules and regulations as the legislative body may prescribe. In said report the dispenser shall give full and accurate information as to the condition, expenses, profits, losses and status of his business. He shall give other and additional information, orally or in writing, whenever and as often as the legislative body of his town or city, or any member of said body, may require.

Sec. 27. If the dispenser, or any of his assistants, servants or employees sells any liquors except those which the dispenser has received from the purchasing agent of his dispensary, or sells any liquors on Sundays, or sells to minors or to persons of known intemperate habits, or sells at one time more than one pint of whiskey, brandy or gin, or of any two of these liquors or of all of them together, such dispenser, servant, or employee shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars.

Penalty for unlawful sale of liquor by dispenser.

Sec. 28. Subject to the provisions of this act, the legislative body of the towns and cities of dispensary counties under the dispensary local operation act of 1907 may maintain and operate dispensaries, and regulate and control the management and conduct of the same.

Dispensaries operated subject to this act.

Sec. 29. The dispenser shall buy furniture, fixtures, and appliances for his dispensary and for the storage room, pay all expenses of the dispensary, including those of the storage rooms, and take a voucher for all moneys disbursed. The expenses of the storage room shall be paid by the dispenser on warrants drawn on him by the purchasing agent. Unless instructed by the legislative body of his town or city not to keep the dispensary money in a bank, the dispenser shall deposit the proceeds of each day's sales and all other dispensary money, if he has any, in some solvent bank. The dispensary money shall not be put on the dispenser's individual account in the bank, but to his credit as dispenser, and the dispensary money shall not be mixed with the dispenser's private funds. Only the dispenser is authorized to draw draft or checks for dispensary money deposited in a bank. On the first day of each month, the dispenser shall pay to the treasurer of his town or city sixty per cent of the net profits of the dispensary for the month preceding and to the treasurer of his county forty per cent. of said net profits. The money so paid to the treasurer of the town or city shall be the exclusive property

Duty of dispenser as to furnishing dispensary and storage rooms.

May deposit money from sales in bank.

Amount of net profits paid to county and city treasurer monthly.

How money
so paid used.

of such town or city, and may be used by the legislative body thereof in any way in which said body is authorized to spend the money of said town or city. The money that is so paid to the county treasurer shall be the exclusive property of such county, and may, in the discretion of the court of county commissioners of said county, be used, in part, in giving pensions to such confederate veterans of their county as are entitled to receive pensions under the laws of the State. Money that is to be paid to confederate veterans shall be distributed under the directions of said county commissioners. But such distribution and payment shall be made as far as practicable, in the same manner in which confederate pensions are distributed and paid by the State, except that State officers shall have nothing to do with the handling of such money. All of the county dispensary money, or so much of it as may not be used in paying pensions, as above provided, may be used in any way in which said court of county commissioners are authorized to spend county money. Said court of county commissioners is authorized to use said dispensary money in any way said court may see fit in furthering the cause of education in the county whether such use be by donation or otherwise. The capital stock of dispensaries established and operated in any county under the provisions of this act, including furniture, fixtures and appliances, shall be and remain the exclusive property of the several towns and cities in which the dispensaries are respectively established.

Liquor not to
be drunk in 50
yards of dis-
pensary.

Sec. 30. No person shall drink any liquor within fifty yards of the premises of the dispensary, unless he drinks it on his own premises lying within such fifty yards. No one who lives or does business on premises that are within fifty yards of a dispensary shall permit any person, not a member or guest of his family, to drink or consume any liquor on his said premises. Any one who purchases or furnishes or aids in purchasing or furnishing the liquor which he drinks on pre-

mises within the fifty yards above described in this section, shall not be considered a guest within the meaning of this section. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, on each conviction, shall be fined not less than one dollar and not more than ten dollars. Penalty for violation.

Sec. 31. No spirituous, vinous or malt liquors, or intoxicating drinks or beverages of any kind shall be sold in any one of the dispensary counties under the dispensary local option act of 1907, except by and through dispensaries herein provided for. But nothing in this act shall be so construed as to prevent any person who manufactures spirituous, vinous or malt liquors in a brewery or distillery from selling the same by wholesale, in sealed packages, to dispensers or to those liquor dealers who do business in counties in which they may be authorized by law to do business. Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty and not more than one hundred dollars. Liquors sold only by dispensaries.

Sec. 32. The dispensary established under this act shall be located in a public and convenient place. No gates, doors, windows, or opening of any kind shall connect any dispensary with any adjacent house or lot so as to permit ingress into or egress out of such house or lot from or into the dispensary. No blinds or screens shall be set up or used in such dispensaries. No gaming or loitering shall be allowed in said dispensaries. Throughout the night a light or lights shall be kept burning in the dispensary, and no doors, blinds, curtains, shades, screens, or other thing shall be allowed to prevent persons on the outside of the dispensary from seeing inside thereof. The provisions of this section in reference to dispensaries shall apply to and be observed in the case of storage rooms. Where dispensary located.
Not to connect with adjacent house by gates, etc.
Gambling not allowed.
Lights kept burning during night.

Meaning of term "Legislative body" a court of county commissioners.

Sec. 33. The term "legislative body", where it appears in this act, is intended to mean or designate the law-making body of the towns or cities herein referred to, whether said body is called mayor and aldermen, board of mayor and aldermen, council, town council, city council, intend-ant and town council or by some other name. The term court of county commissioners, as used in this act, is intended to include the terms board of revenue, board of public revenue, board of revenue and road commissioners, or any other term or designation by which the official body whose duties are the same as those of the court of county commissioners, or similar thereto, may be called.

Meaning and intent of act.

Sec. 34. This act is not intended, and shall not be construed, to repeal or affect the operation of any law existing at the time of the election herein provided for which prohibits the sale of liquors, or to repeal or affect the operation of any law existing at the time of said election which provides for the purchase and sale of liquors by municipal corporations in or through dispensaries, or to repeal any law existing at the time of such election which authorizes the sale, without license, of wines manufactured from grapes or berries grown in this State. All other laws and parts of laws that conflict with the provisions of this act are hereby repealed.

No. 322.)

AN ACT.

(S. 329.

To grant to towns, and cities, which own and operate dispensaries, the power to contract with the governing body of the county, in which, such town, or city, is situated, to give to such county, fifty per cent. of the net revenue, of such dispensary, for the purpose of paying interest upon, and providing a sinking fund for the redemption of, any bonds issued by such county for the purpose of constructing public roads, in such county.

Section 1. *Be it enacted by the Legislature of Alabama,* That all towns and cities owning and operating a dispensary, are hereby, granted the power, to contract with the governing body of the county of its location to donate to such county, not exceeding fifty per cent., of the net revenue, derived from the operation of such dispensary for the purpose of paying the interest upon and providing a redemption fund, for, any bonds issued by such county for the construction of public roads therein. *Provided,* that this act shall not apply to cities and towns, having dispensaries where a division of the profits with the county is already provided, and, *provided further,* that this act shall not apply to cities and towns, in which dispensaries may hereafter be established, a part of whose net revenues go to the county in which they are located.

Cities operating dispensaries may donate part of net profits to county for redemption of bonds of such county.

Approved March 6, 1907.

No. 325.)

AN ACT.

(S. 342.

To regulate the practice in the circuit court of Calhoun county.

Section 1. *Be it enacted by the Legislature of Alabama,* That in all civil cases in the circuit court of Calhoun county, the defendant shall appear and plead ten (10) days before the beginning of the term of said court at which said cause shall be at issue, provided service shall have been perfected not less than thirty (30) days before the beginning of said terms and in all other cases the defendant shall appear and plead within twenty (20) days after the service of summons and the perfection of service, provided that the service is perfected in twenty (20) days before the beginning of the term.

Time allowed defendant to appear and plead.

Sec. 2. That all civil cases in said court shall be tried by the court without a jury, unless a jury shall be demanded in writing by the plaintiff at the time of filing the complaint, or when said cause is at issue, or by the defendant upon his appearance, provided, that all cases brought to

Civil cases tried without jury unless jury demand-

said circuit court by appeal, or by writ of certiorari shall be tried without a jury unless a jury shall be demanded by the plaintiff or the defendant before the first day of the term at which said cause shall stand for trial.

Business for
first week of
court.

Sec. 3. That the first week of each regular term of said court shall be devoted to the settlement of pleadings and the trial of non-jury cases, and a jury shall not be summoned for the first week of said term.

Special terms.

Sec. 4. That special terms of said court for the trial of non-jury cases may be called by the court in term time, or by the judge in vacation, by an order entered on the minutes of the court not less than ten (10) days before the first day of said special term.

Court to re-
view conclu-
sion of court
of appeal in
non jury cases.

Sec. 5. That in the trial of any cause at law without a jury in said circuit court, in addition to the questions which may be presented under existing laws to the supreme court for review, either party may by bill of exceptions also present for review the conclusions and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as the supreme court shall deem right.

Approved March 12, 1907.

No. 326.)

AN ACT

(S. 272.

To authorize cities and towns in the State of Alabama to provide for the drainage thereof by sanitary and storm water sewers, ditches, surface drains, aqueducts and canals; to prescribe rules and regulations for the installation of plumbing; to enforce connection with and the use of such sewers or drains, and to regulate the same.

Section 1. *Be it enacted by the Legislature of Alabama,* That all cities and towns shall have power and authority to make all needful provision for the drainage of such city or town; to construct and maintain sanitary and storm water sewers or sewer systems, either within or without the corporate limits of the city or town; to construct and maintain ditches, surface drains, aqueducts and canals; to build and construct underground sewers through private property either within or without the corporate limits of such city or town, paying to the owner such damages, if any, as will be thereby done to such property; to acquire, whenever necessary, the requisite rights and easements by condemnation in the manner prescribed by the constitution and laws of Alabama, for the condemnation of land for the public use; to compel the owners of real property to ditch and drain the same at the expense of the property owner, and to punish any refusal or neglect of such owner to ditch or drain such property; to require public or private premises to be connected with the sewer systems, when constructed, and to regulate the manner of making such connections; to prescribe the rules and regulations under which plumbing shall be constructed, and the materials which may be used and the manner of constructing such plumbing, and the inspection thereof; to authorize the condemnation of defective plumbing, and to forbid the use of the same while out of repair or defective; and to forbid the use of sinks, cess-pools, dry wells, and surface closets; to regulate water closets and the use thereof, and to compel the installation and the connection of the same with the sewerage system; to prescribe the manner in which drainage from private premises may be disposed of, and the location of such drains; to punish any person who shall fail to make connection with the sewer system after he has been required to do so, and to prevent the occupation of any property after notice that such connections

Power of city
and town as to
drainage of
same.

Notice re-
quired and
manner of giv-
ing same.

have been required until the same have been made.

Sec. 2. That whenever in the exercise of any power herein granted, notice is required to be given the mayor and aldermen or other governing body, who shall have the right to designate a person or persons to give such notice who shall be a bonded officer of the municipality and to make returns upon the same, and such return shall be *prima facie* evidence of such notice. Personal notice to non-residents shall not be necessary, and the mayor and aldermen or other governing body, shall have power to provide and fix the character of the publication of notice to non-residents which shall be given by publication once a week for three weeks, or by posting for the same time in three public places in said city or town where no newspaper is published therein and the manner of making the same, which shall not be inconsistent with the general laws of the State of Alabama on the subject. Whenever any notice to a resident property owner is returned not found, the mayor and aldermen, or other governing body, shall have power to prescribe and issue alias notices to be served in the case of the original notice; two returns of "not found" as to a resident property owner shall authorize the mayor and aldermen, or other governing body, to proceed to give notice to such resident property owner by publication as herein required to be given to non-residents.

Approved March 12, 1907.

No. 327.)

(S. J. R. No. 42.)

SENATE JOINT RESOLUTION.

Committee
raised to inves-
tigate so-called
Fertilizer
Trust; powers
and duty of
same.

Whereas, it has been charged by the public press of this State, and by many merchants, that there exists a combination of trust among and between the manufacture of guano and fertilizer in this State, and Whereas, it is charged that said

combination or trust does in violation of law fix the price of guano and fertilizer, and limit the quality of the same offered for sale, and whereas, it is further charged that the guano and fertilizer sold by said trust or combination of guano and fertilizer manufacturers contains a large per cent of cheap material that has no beneficial effect on the soil, and does not increase its productiveness, and whereas, the farmers of Alabama have a great financial interest in the price of guano and fertilizer, and in the purity of the same offered for sale, now therefore, be it resolve by the senate and the house concurring that a joint committee of both houses be appointed to consist of two from the senate, and three from the house, to investigate said charges. Be it further resolved that said committee shall have power to summons witnesses before it and compel their attendance by compulsory process, and administer oath, and shall have power to require any person, firm or corporation engaged in the manufacture or sale of guano and fertilizer, to produce his or its books before said committee and give evidence before said committee as to any matters of which he has knowledge as to the subject to be investigated. Be it further resolved, That said committee shall have authority to sit during any recess of this legislature, and shall make a general investigation of the sale of guano and fertilizer tags, and shall investigate who pays the tag tax, and whether or not there is any amuse of the law, requiring analysis of guano and fertilizer and tagging the same. Be it further resolved, that the attorney-general shall assist the committee in making the investigations provided for in this resolution. Be it further resolved, That said committee may employ a stenographer to take and transcribe all evidence taken by it, and shall at the conclusion of its work report to the legislature the testimony taken, with the conclusion and recommendations of said committee. Be it further resolved, that said committee shall receive four dollars per day

while in actual service, and be paid mileage as members of the legislature are paid, and are to be paid in same way and manner, as the members of the legislature are paid, and if they employ a stenographer, said stenographer shall be paid by the State. And it shall be the duty of said committee to draw and report a bill that will correct the evil that now exists.

Approved March 7, 1907.

No. 327½.)

AN ACT.

(S. 372.)

To establish Police Commissions in cities of 35,000 population, or more, in counties of 125,000 or more population and to define their terms of office, duties and powers. Be it enacted by the Legislature of Alabama:

Police Commission established; members of.

Election of and term of office.

Qualifications of.

Section 1. In all cities of 35,000 or more population, in counties of 125,000 or more population there is hereby established a commission to be called "The Police Commission" and to be composed of three commissioners, the mayor of the city to be a commissioner and chairman of the board and two other commissioners to be appointed by the governor to hold office until the next regular election for the city offices in any such city. At the next regular election held for the election of city officers there shall be elected two commissioners, one for the term of two years and one for the term of four years and until their successors are elected and qualified and on the expiration of these terms their successors shall be elected for the term of four years. No person shall be eligible to hold the office of police commissioner, except a qualified elector of the State of Alabama, over twenty-five years of age and a resident of the city at the time of his election and during his term of office. Nor shall any officer or employee of the municipality or of the State or county be eligible to hold said office.

2. Before entering upon the discharge of the duties of the office, every commissioner shall take the oath of office prescribed by the constitution and laws of Alabama, and may be removed from office for the same causes and in the same manner as justices of the peace are now removed for misconduct.

3. "The Police Commission" shall have the exclusive power and authority to appoint and qualify all of the policemen and police officers of the city, and supervise and control them in the execution of the laws and shall have power to suspend or remove any police officer or policeman for any neglect of duty or failure to execute any process from any court, or to arrest any person found violating any law of the State, or of the municipality, or who commits any act involving moral turpitude, or is given to the habitual use of intoxicating liquors, or found under the influence of intoxicants of any kind while on duty.

4. "The Police Commission" shall keep a record of their proceedings which may be kept by one of their number, or by a secretary elected by them and in case they elect a secretary they shall have the power to fix his compensation and his term of service, and remove him at will. The record or minutes of their proceedings shall be open to the inspection of the public.

5. The police commission shall prescribe rules and regulations for the government of the policemen and officers and for preferring charges against any police officer or policeman, and for the trial of such charges, and shall have power to summon witnesses to attend before them on any hearing, and shall have power to punish witnesses or any other person who commits any contempt in their hearing or presence the same as circuit courts now have. Every police commissioner shall have the authority to administer oaths and take affidavits. Any police commissioner who votes for any order suspending or modifying any law of the State, or municipality, or who gives any order suspending or

Oath of office.

Removal from office.

Powers of Police Commission.

Record of proceedings to be kept.

Commission to prescribe rules and regulations for control of police officers.

Power to administer oaths and take affidavits.

modifying any law of the State or municipality, or who gives any order to any policeman or officer not to enforce the law, or arrest any person found violating any law or ordinance, or who knows of any violation of the law, ordinance or rules by a police officer, or policeman, or failure to perform his duty, and fails to report the same immediately to the commission, is guilty of a misdemeanor and must on conviction be fined not less than \$500.00 and must also be sentenced to hard labor for not less than three or more than six months.

Approved March 7, 1907.

No. 329.)

AN ACT.

(S. 3.

Manner of fixing value of property of railroads, long distance telephone and telegraph companies for taxation.

To amend section 3972 (502) of the code of Alabama of 1896. Be it enacted by the Legislature of Alabama, That section 3972 (502) of the code of Alabama of 1896 be and the same is hereby amended so as to read as follows: 3972 (502) Principles of valuation of railroad, long distance telephone and telegraph property. The valuation of the property of railroads, long distance telephone and telegraph companies for taxation shall be made upon the same principles as the valuation of every other species of property, that is to say the valuation of such property shall be had upon the consideration of what a clear fee simple title thereto would sell for under the conditions under which that character of property is most usually sold, and as evidence tending to show what this would be, said State board of assessment shall ascertain as near as they can, and consider the average market value of the stocks and bonds of such companies in the markets during the preceding twelve months, and shall also take into consideration the estimated investments valuation of said property as returned by the duly authorized officers or agents of said companies to the railroad commission as a basis

for the adjustment of rates for services to the public by such companies, and all other legal information as to such values which they may obtain.

Approved March 7, 1907.

No. 318.) AN ACT. (S. 292.

To authorize the chief justice and the associate justices of the supreme court to appoint two secretaries for the supreme court, and to fix their compensation and make appropriation therefor.

Section 1. *Be it enacted by the Legislature of* Secretaries
Alabama, That the chief justice and the asso- Supreme
 ciate justices of the supreme court may appoint Court; how
 two secretaries for the supreme court who shall appointed and
 hold office for the current term of the chief justice removed from
 office.
 They may be removed by the chief justice of
 his own motion and must be removed upon the re-
 quest of four associate justices. The vacancies Vacancy; how
 may in like manner be filled for the unexpired filled.
 term.

Sec. 2. That the secretaries shall perform Duties of.
 such duties as may be prescribed by the justices.

Sec. 3. That the annual salary of the secre- Salaries of.
 taries shall be \$1650.00 each per annum, and the
 sum of \$1650.00 each per annum is hereby appro-
 priated for the payment of the salaries of the
 secretaries, but the appropriation herein made
 shall not be construed to be in addition to the
 appropriation heretofore made by the secretary
 of the supreme court, but in lieu thereof.

Approved March 6, 1907.

No. 330.)

AN ACT.

(S. 4.)

To further define, prevent and punish unlawful use of money, securities, funds or property of corporations, incorporated companies, or incorporated associations by such corporations, incorporated companies, or incorporated associations, servants, agents, officers or members thereof.

Unlawful for corporations to contribute money or other thing of value to candidates or political parties.

Section 1. *Be it enacted by the Legislature of Alabama,* That it shall be unlawful for any corporation, incorporated company, or incorporated association by whatever name it may be known, incorporated or organized under the laws of this State, or doing business in this State, or for any servant, agent, employee or officer thereof, to give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company, or incorporated association, for the purpose of aiding any political party or any candidate for any public office, or any candidate for any nomination for any public office by any political party, or to give, donate, appropriate or furnish, directly or indirectly, any money, security, funds or property of said corporation, incorporated company or association, to any committee or person, as a contribution to the expenses of any political party or any candidate, representative or committee of any political party, or candidate for nomination by any political party, or any committee or other person acting in behalf of such candidate.

Penalty for violation.

Sec. 2. And any corporation, incorporated company or incorporated association, or agent, officer or employee violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars, nor more than two thousand dollars, at the discretion of the jury trying the case.

Approved March 7, 1907.

No. 332.)

AN ACT.

(S. 358.)

To provide for the extension of the corporate limits of cities and towns having four hundred inhabitants or more, and fixing the rights, powers, duties, liabilities, and jurisdictions of the city or town over the territory brought into the corporate limits, and the rights of the inhabitants thereof, and to provide for the appointment between the city or town and county of the road and bridge tax collected by the county on the property within the city, and the expenditure of the funds by the city. Be it enacted by the Legislature of Alabama, as follows:

Section 1. Any city having four hundred inhabitants, or more, at the time territory is brought within its limits under the provisions hereof, as shown by the next preceding national census, or State census, may, at its election in the manner herein set forth, from time to time, extend its corporate limits in the manner and with the rights, powers, and privileges as set forth herein, but the provision of this act is not to preclude any city from extending its corporate limits in any other way or manner that may be authorized by law.

Sec. 2. Whenever the council or governing body of the city shall pass a resolution to the effect that the public health or public good requires that certain territory, describing it, shall be brought within the limits of the city: (1) It shall be the duty of the mayor, or other executive head of the city, to certify a copy of such resolution to the judge of probate of the county in which the land is situated proposed to be brought into the city, and said certified resolution shall have attached thereto a plat or map of the territory proposed to be brought into the corporate limits of the city, which certified resolution and plat or map shall be filed by the judge of probate. (2) Within ten days from the date of the

filing of such certified copy of resolution, with plat or map attached, the judge of probate must make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified electors residing within the territory described in such plat or map, not less than twenty days nor more than forty days from the date of the making of the order. The said judge shall give notice of the holding of such election by publication in at least one newspaper (and at the discretion of the judge, in more than one newspaper) published in the county wherein such election is to be held, and published within the city or town whose limits are proposed to be extended if a newspaper is published therein which notice shall state the day on which such election is to be held, the voting place or places at which the election will be held, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the city, or town, and such notice must give a description of the territory proposed to be brought within the city, or town, and must state that a map showing the territory proposed to be brought into the city or town, is on file in the office of the judge of probate of said county, open to the inspection of the public.

(3) The judge of probate may designate as many places within the territory proposed to be annexed as he may deem necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint three inspectors of election, and one returning officer, for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors. (4) Each qualified voter who has resided within the boundaries of the territory proposed to be brought into the city or town for three months next preceding the election, may vote at such election but must vote at the voting

place designated by the judge of probate for voters in the territory in which he resides, within the territory proposed to be brought into the city or town. (5) The election to determine whether or not the proposed territory shall be brought within the corporate limits of the city must be conducted in all respects as provided by the general election laws, and under the same sanction and penalties, except as changed by the provisions hereof, and except that an official ballot need not be provided. (6) Each voter may furnish his own ballot with the following words written or printed thereon, "For Annexation," if he desires to vote in favor of annexing the territory to the city, or "Against Annexing," if he desires to vote against annexing the territory to the city or town. It shall not be necessary for the ballot to be of any particular size, form or color. (7) The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election at their respective voting places, to the judge of probate, and deliver the same to the returning officer, who must at once return the same to the judge of probate, and the judge of probate must canvass the return as made by the inspectors, and if it appears that a majority of the votes cast at the election were in favor of "For Annexation," the judge shall make and enter an order on the records of the probate court adjudging and decreeing the corporate limits of the city or town to be extended so as to embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and all orders or decrees or judgments to be recorded in the records in his office, and must also cause the map or plat to be recorded in the map records in his office and from the time of the entry of such order such territory shall be a part of and within the corporate limits of the city or town. If it appears that a majority of the votes cast at the election are "Against Annexation," the judge of

Result of elec-
tion may be
contested.

probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the votes at such election were cast against coming into the corporate limits of the city or town, and that the territory described and designated in the resolution and plat or map attached shall not form a part of or be embraced in the city or town until it may thereafter be brought into the city or town as a part thereof.

(8) The result of such election may be contested by any qualified elector voting at the election under the same provisions as are provided by general law for contesting the election of justice of the peace, making the city or town the contestee. The city or town at whose instance the election is held shall pay all cost and expense incident to the election. (9) The plat or map filed with the certified copy of the resolution, as required herein, shall show the boundary of the territory proposed to be taken into the city, or town, which territory must be contiguous to the boundary of the city, or town, at some point, and such territory may extend to or around the boundary line of any other city or town, but is not to embrace any territory within the corporate limits of another city or town.

Annexed ter-
ritory subject
to laws of city.

Sec. 3. All territory brought within the corporate limits of a city, or town under the provisions of this act, shall be subject to the laws and ordinances of said city, or town and the council or governing body of the city, or town, shall have and exercise the same jurisdictions over such territory as is exercised over the other territory within the corporate limits of the city or town.

Wards created
or enlarged.

Sec. 4. The council or governing body of the city or town shall create new wards (as many as may be deemed to be necessary) regardless of any limitation in the charter of the city or town or the number of wards, or may enlarge the wards, so as to embrace all the territory brought within the corporate limits of the city, or town, and so as to afford opportunity to all persons entitled to vote at elections in the city or town, to

vote thereat. Each ward in the city or town shall have the same number of aldermen or representatives in the council or governing body of the city or town, and as new wards are created, the board or governing body of the city or town shall elect aldermen or representatives to represent such wards in the council or governing body of the city or town, as in the case of vacancy; the aldermen or representatives so elected to hold office until the next regular election in the city, or town; provided, however, that in no event shall there be more than thirty aldermen or representatives in the council or governing body of the city or town.

Sec. 5. The council or governing body of the city or town shall, by resolution or ordinance, divide the respective wards in the city or town into voting precincts, as many as may be necessary, and each elector shall vote in the precinct of his residence, and the boundary of such voting precinct shall be arranged and re-arranged from time to time so near as practicable that not exceeding four hundred electors reside in any voting precinct.

Sec. 6. The council or governing body of the city or town shall have the power to change or rearrange the lines of the wards in said city, or town as often as is necessary for the purpose of equalizing the number of voters entitled to vote in each ward in the city, or town, and each ward in the city, or town, shall have as near as practicable an equal number of qualified electors.

Sec. 7. In any county where a property tax is assessed and collected by the county authorities for the construction and maintenance of the public roads and bridges in the county, the board of revenue, or court of county commissioners shall each year cause to be drawn a proper warrant payable to each city or town in such county having within its corporate limits property taken in under the provisions of this act, such warrant to be for an amount equal to one half of the road and bridge tax paid to the county on prop-

Each ward to have same number of aldermen.

Wards divided into precincts.

Number of votes in precinct.

Authority to change or rearrange wards.

Proceeds of tax for roads on annexed territory; how paid by county.

Disposition of same by city council.

erty within the corporate limits of the city, or town. And the council or governing body of such city or town shall use the money so paid to it by the board of revenue or court of county commissioners in keeping up and maintaining the public roads, streets, highways and bridges, and in opening new roads, streets, highways, and constructing new bridges in the territory brought within the corporate limits of the city under the provisions of this act, the surplus of such funds, if any, to be used in keeping up and maintaining streets, highways and bridges in any other part of the city or town that the board or governing body of the city or town may direct.

Fees of officers for performing duties hereunder.

Sec. 8. The probate judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him and all other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law to charge and collect for similar services rendered by them, and the city at whose instance the service is performed under the provisions hereof, shall pay all cost and expense thereof except in the case of a contest as herein provided.

Cities and towns may extend corporate limits again.

Sec. 9. Any city or town having extended its corporate limits under the provisions of this act or any other act, or law may again extend its corporate limits hereunder or under any other act or law authorizing an extension of corporate limits by such city or town.

Orders, etc., given under provisions hereof.

Sec. 10. In every proceeding to extend the corporate limits of any city or town under the provisions hereof, the council or governing body of such city or town shall declare in each and every resolution herein provided for and the probate judge shall declare in each and every order directing and ordering an election to be held hereunder, and in every notice given hereunder, and in every order made and entered on the records of the probate court hereunder, that such resolution, order or notice, as the case may be, is

passed, given or entered under the provisions of this act.

Sec. 11. After an election has been held in any territory under the provisions of this or any other act or law, no other or subsequent election shall be ordered or held for the same terri-

Time between elections and annexation of same territory.

tory or any part thereof within six months next after said election.

Approved March 13, 1907.

No. 333.)

AN ACT.

(S. 165.

To establish a State Livestock Sanitary board and the office of State veterinarian in order to further protect livestock from contagious and infectious diseases and provide for eradicating and excluding such diseases from Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That from and after the passage of this act, the commissioner of agriculture and industries of the State of Alabama, the State health officer of Alabama, the professor of animal industry and the professor of veterinary science, of the Alabama Polytechnic Institute shall, ex-officio, constitute a board to be known as the State Livestock Sanitary board. The commissioner of agriculture and industries shall be chairman and the veterinarian on the board shall act as secretary of the board. The State Livestock Sanitary board shall have full power to make or enact such rules and regulations as they may deem necessary for governing the movement, transportation, or disposition of livestock that may be quarantined as hereinafter provided, on account of being affected with, or exposed to, a contagious, or communicable disease, or on account of being infected or infested with the carrier or the carriers of the cause or the causes of a contagious, infectious or communicable disease of livestock.

State Live Stock Sanitary Board; members of.

Officers of Board.

Power of Board as to movement of livestock when questioned.

State veterinarian.

Assistants;
how selected.

State veterinarian to quarantine, etc. when.

Notice of such quarantine.

Railroad company not to transport livestock from quarantined port.

Parties not to deliver same.

Parties not to deliver same on foot.

Sec. 2. Be it further enacted, That the professor of veterinary science of the Alabama Polytechnic Institute, shall act as State veterinarian of Alabama. The State veterinarian shall nominate, and the State Livestock Sanitary board shall elect, as many assistant State veterinarians and State livestock inspectors as they may deem necessary and as the funds at their disposal shall permit.

Sec. 3. Be it further enacted, That the State veterinarian is authorized and directed to quarantine a stall, lot, yard, pasture, field, farm, town, city, township, county, or any part of the State of Alabama when he shall determine the fact that livestock in such place or places are affected with a contagious, infectious, or communicable disease, or when said livestock are infested or infected with the carrier or the carriers of a contagious, infectious or communicable disease. The State veterinarian or an assistant State veterinarian shall give written or printed notices of the establishment of said quarantine to the owners or keepers of said livestock, and to the proper officers of railroad, steamboat, or other transportation companies doing business in or through the quarantined part or parts of the State.

Sec. 4. Be it further enacted, That no railroad company, or the owners or masters of any steam or other vessel or boat shall receive for transportation or shall transport livestock from any quarantined part into any other part of Alabama except as hereinafter provided. No person, corporation or company shall deliver livestock for transportation to any railroad company or sailing or steam vessel or boat in a quarantined part of Alabama, except as hereinafter provided. No person, company or corporation shall drive or cause to be driven, livestock on foot, or transport livestock in a private conveyance, or cause livestock to be transported in a private conveyance from a quarantined part to a non-quaran-

tinued part of Alabama, except as hereinafter provided.

Sec. 5. Be it further enacted, That livestock may be moved within the limits of a quarantined part of Alabama only under and in compliance with, the rules and regulations of the State Livestock Sanitary board. It shall be unlawful to move or to allow to be moved, any livestock from one place to another within the limits of the quarantined part to a non-quarantined part of Alabama, in any other manner or method, or under any conditions other than prescribed by the rules and regulations of the State Livestock Sanitary board.

Sec. 6. Be it further enacted, That all livestock, except such live stock as are to be used for immediate slaughter, when brought into Alabama by a person, company, corporation, railroad or other transportation companies, shall be accompanied by a certificate of health, and said certificate shall state that said animal or animals are free of contagious, infectious or communicable disease and the carrier or the carriers of the cause or the causes of such diseases. This certificate must be made by a qualified veterinarian immediately after he has personally examined the livestock and before the livestock has been shipped into Alabama. This certificate shall be attached to, and accompany, the shipping bill of the livestock to the place to which the livestock is shipped, and the owner of the livestock or agent of the transportation company shall mail or send said certificate to the State veterinarian, immediately following the arrival of the livestock at its place of destination. The State veterinarian shall furnish qualified veterinarians and transportation companies with blank health certificates at actual cost.

Sec. 7. Be it further enacted, That owners, renters, or parties in possession of quarantined livestock or quarantined places shall follow the directions in the rules and regulations of the State Livestock Sanitary board in cleaning and

Livestock quarantined only moved under regulations of board.

Livestock, except for immediate slaughter when brought into State to be accompanied by certificate of health.

Owners of quarantined live stock and places to comply with rules as to disinfecting same.

disinfecting infected livestock and infested or infected quarantined places, and in destroying the carriers of the cause of a contagious, infectious or communicable disease, that infest or infect livestock and quarantined places. Said cleaning of said livestock and the disinfecting of said places and destroying of said carriers shall be done by the owners, or the parties in possession of the infected livestock and places, in a reasonable time after receiving a written or printed notice from the State veterinarian, an assistant State veterinarian, or a State livestock inspector. Any person, company or corporation violating the provisions of this section shall be guilty of a misdemeanor and on conviction shall be punished for each and every violation by a fine not less than ten dollars, nor more than one hundred dollars, or by imprisonment not less than ten days nor more than sixty days, or by both such fine and imprisonment.

Veterinarians
empowered to
enter premises
in discharge of
duties.

Sec. 8. Be it further enacted, That the State veterinarian, the assistant State veterinarian and the State livestock inspectors are hereby empowered to enter upon the premises or into any barns or other buildings where livestock are temporarily or permanently kept in the State of Alabama in the discharge of the duties prescribed in this act. Any person, or persons who forcibly assault, resist, oppose, prevent, impede, or interfere with the State veterinarian, and assistant State veterinarian, or a State livestock inspector in the execution of his or their duties, or on account of the execution of his or their duties, on conviction, shall be punished as provided in section 11 of this act.

Work of cattle
tick eradica-
tion taken up.

Sec. 9. Be it further enacted, That the work of cattle tick eradication or the suppression or eradication of any other infectious, contagious or communicable disease of livestock shall be taken up under the provisions of this act in any county or any part of a county or any part of the State of Alabama, when the State Livestock Sanitary board may deem it best. The county com-

missioners of any county in which the State or federal authorities take up the work of tick eradication or the suppression of any infectious, contagious or communicable disease of livestock, may appropriate, for aiding in such work, such sum as the county commissioners may deem adequate and necessary.

Sec. 10. Be it further enacted, That the State Livestock Sanitary board may appoint or elect the federal veterinarians and livestock inspectors, who are doing work in Alabama, as assistant State veterinarians and State livestock inspectors; provided, they consent to act without pay from the State of Alabama.

Sec. 11. Be it further enacted, That any person, persons, company or corporation violating the provisions of sections 4, 5, 6, or 8, of this act, shall be guilty of a misdemeanor and on conviction, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment of not less than one month, nor more than six months, or by both fine and imprisonment.

Sec. 12. Be it further enacted, That there is hereby appropriated annually the sum of five thousand dollars to be disbursed under the direction of the State Livestock Sanitary board to pay the actual expenses of the Livestock Sanitary board in attending meetings; to pay for the printing of the official blanks, the annual reports of the State veterinarian and the rules and regulations of the Livestock Sanitary board to pay the State veterinarian five hundred dollars per year and expenses while on actual duty, each assistant State veterinarian five dollars per day and expenses, while on actual duty and each State livestock inspector one to three dollars per day and expenses while on actual duty; and to pay such other expenses as may be necessary in carrying out the provisions of this act.

Duty of
judges of
courts to
charge grand
juries as to
act.

Sec. 13. Be it further enacted, That the judges of the circuit and criminal courts shall give this act in special charge to each future grand jury impaneled in this State, and that each grand jury shall be clothed with, and authorized to, exercise inquisitorial power for the carrying out and the enforcement of this act.

Annual report
of State veteri-
narian.

Sec. 14. Be it further enacted, That the State veterinarian shall make an annual report to the governor of Alabama, giving a full account of the work done and a detailed report of the money expended.

Repeal.

Sec. 15. Be it further enacted, That all acts not in accord with this act, are hereby repealed.
Approved March 12, 1907.

No. 334.)

AN ACT.

(H. 611.)

To provide for the Revenue of the State, by requiring all foreign corporations authorized to do business in this State under the laws of the State of Alabama, to pay an annual franchise tax.

Amount of
Franchise tax
required of
foreign incor-
porations do-
ing business in
Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That every foreign corporation authorized to do business in this State under the laws of the State of Alabama, except strictly benevolent, educational or religious corporations, shall pay annually to the Judge of Probate of the county in which it has a resident agent, a franchise tax for the use of the State of Alabama, as follows: A. Each foreign corporation whose actual amount of capital employed in this State, is one hundred dollars or less, shall pay an annual franchise tax of twenty-five per centum of the actual amount of capital employed in this State by it. B. Each foreign corporation, whose actual amount of capital employed in this State exceeds one hundred dollars and does not exceed one thousand dollars, shall pay an annual

franchise tax of twenty five per centum upon the first one hundred dollars of the actual amount of capital employed in this State by it, and five per centum upon all such remaining actual amount of capital employed in this State by it, over one hundred dollars, and up to and not exceeding the said limit of one thousand dollars.

C. Each foreign corporation whose actual amount of capital employed in this State exceeds One Thousand Dollars shall pay an annual franchise tax of twenty-five per centum on the first One Hundred Dollars of such actual amount of capital employed in this State by it, and five per centum upon all such actual capital employed by it in this State in excess of One Hundred Dollars and up to and including One Thousand Dollars, and one tenth of one per centum upon all such remaining actual amount of capital employed in this State by it over and above One Thousand Dollars.

E. The President, or other executive head, and the Secretary of every foreign corporation subject to a tax under this Act, shall make a written statement, under their oath, to the Judge of Probate, showing the name of the corporation, the State or County under whose laws it was incorporated, its principal place of business in this State, the total amount of its capital stock, the actual amount of capital employed in this State if it is a corporation at the time of the statement authorized to do business in this State, or the actual amount of capital it is proposed shall be employed in this State if it is a corporation not then qualified to do business in this State. The Judge of Probate shall have power to summon before him any of the officers of the corporation, or any other witness, and to swear and examine them and to inspect any of the books, papers or documents of the corporation, and for that purpose to compel their production; and if he is satisfied from the evidence thus obtained that the amount of the capital of the corporation actually employed, or to be employed as the case may be, in this State, is placed in the statement

Statement required.

Probate judge to summon witnesses.

Appeals.

Payment of
other taxes.

When tax to
be paid.

When fran-
chise tax paid.

Payment in
one county suf-
ficient.

License tax.

at a less amount than it should be, it shall be his duty to demand payment of the tax upon the amount of capital which he finds is actually employed in this State. Either the State or the corporation may appeal from his finding to the Circuit Court in the same manner as may be done when the Court of County Commissioners passes upon a contested assessment of property for taxation, and the proceeding subsequent to the appeal shall be the same as in such cases. F. No foreign corporation which has paid the tax required under this Act, shall be required to pay the taxes imposed by Subdivision 24 of Section 4122 of the Code of 1896 as amended by an Act of the General Assembly entitled an Act to further amend the Revenue laws of the State of Alabama, approved March 5th 1901. G. No foreign corporation required to pay a tax under this Act shall do any business in the State of Alabama not constituting interstate commerce, or maintain or demand any action in any of the courts of this State, upon a contract made in this State other than contracts based upon interstate commerce unless such corporation shall have paid such tax within sixty days after the same became due. H. No corporation required by the provisions of this Act to pay a franchise tax which corporation shall have paid the license taxes for this current year as provided by the corporation laws now in force in this State shall be required to pay a franchise tax under this Act before the first day of January 1908. I. The payment of the franchise tax required by this act, in any one county shall be sufficient, notwithstanding the said corporation may do business, or have a resident agent in more than one County. J. The payment of the franchise tax herein required shall not exempt any corporation paying the same from the payment of the regular license or privilege tax specified or required for engaging in or carrying on any business for the engaging in or carrying on of which a license is required of individuals, firms or corporations.

Section 2. That in addition to the amount of franchise tax required to be paid by each foreign corporation to the State, such foreign corporation shall pay to the County for the use of such County an amount equal to one half of the amount paid by it to the State; and such amount so received shall be paid over by the Probate Judge to the County treasurer for the use of the County. Amount paid county.

Approved March 7, 1907.

No. 335.)

AN ACT.

(H. 245.

To provide for the better equipment and support of the University of Alabama and to appropriate funds therefor. Preamble; whereas, reliable statistics disclose the fact that the University of Alabama is poorly equipped materially and inadequately supported financially; and whereas it is generally conceded that the limit practically of all development has been reached under the present merger equipment and support; and, whereas, the State of Alabama cannot afford longer to do less for her sons and daughters than is done by other states for theirs; therefore, be it enacted by the Legislature of Alabama:

Section 1. That, for the purpose of better supporting the University of Alabama the additional sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated annually, to be used by the board of trustees of said university in the manner, and for the purposes for which the existing regular annual appropriation is used. Amount appropriated annually for support of University of Alabama.

Sec. 2. That, for the quadrennial period beginning on the first day of January, 1907, the sum of one hundred thousand dollars (\$100,000.00) is hereby appropriated annually for the purpose of making needed improvements in the Amount appropriated for improvements and buildings.

material equipment of said University, including the erection and furnishing of new buildings, and the necessary repairs and furnishings for the buildings now in existence.

When and how paid.

Sec. 3. That the moneys herein provided shall be paid by the State treasurer in equal quarterly installments on the first day of January, April, July, and October, to the treasurer of the University of Alabama upon warrants which shall be drawn by the State Auditor as warrants are drawn for other appropriations to the said university; provided, however, that the appropriation of one hundred thousand dollars made in section 2 of this act shall not be available and the auditor shall not draw his warrant for any part of said sum except upon the requisition of the board of trustees of the University of Alabama, or the president thereof, approved by the governor.

Report of trustees to show how money expended.

Sec. 4. That the board of trustees of the University of Alabama shall embody in the report required by law to be made to the legislature, a statement showing the manner in which and for what purposes the funds herein provided have been expended.

Repeal.

Sec. 5. That all laws and parts of laws in conflict with the provisions of this bill are hereby repealed.

Approved March 6, 1907.

No. 336.)

AN ACT.

(H. 615.)

To amend sections 1321 and 1322 of the code of 1896.

Admission fees required of foreign corporations for engaging in business in Alabama.

Section 1. *Be it enacted by the Legislature of Alabama,* That section 1321 of the code of 1896 be and the same is hereby amended so as to read as follows: 1321. Admission fees exacted of foreign corporations. No corporation created by the laws of any other State or of any foreign coun-

try shall engage in or transact any business in this State without first having paid into the treasury, for the use of the State the following charter fees: Each foreign corporation whose actual amount of capital employed or to be employed in this State, is one hundred dollars or less, shall pay a charter fee of twenty-five per centum of the actual amount of capital employed or to be employed in the State by it. Each foreign corporation whose actual amount of capital employed in this State exceeds one hundred dollars and does not exceed one thousand dollars, shall pay a charter fee of twenty-five per centum upon the first one hundred dollars of the actual amount of capital employed in this State by it, and five per centum upon all such remaining actual amount of capital employed in this State by it over one hundred dollars, and up to and not exceeding the said limit of one thousand dollars. Each foreign corporation whose actual amount of capital employed in this State exceeds one thousand dollars shall pay a charter fee of twenty-five per centum upon the first one hundred dollars of actual amount of capital employed in this State by it and five per centum upon all such actual capital employed in this State by it over one hundred dollars and up to one thousand dollars. And one-tenth of one per cent of such actual amount of capital in excess of \$1000.00. All corporations or mutual companies which have no capital stock shall pay a fee of twenty-five dollars, provided that all foreign corporations which have heretofore, *bona fide*, qualified under prior existing laws shall receive a credit for the amount so paid by them on any amount falling due by the provisions of this act.

Sec. 2. That section 1322 of the code of 1896 be and the same is hereby amended so as to read as follows: 1322. Statement to be filed. Such foreign corporation shall at the time of paying such fee into the treasury file in the office of the State auditor an instrument of writing under the seal of the corporation and signed officially

Statement required; what must contain.

Statement to
be sworn to.

Auditor may
demand inspection
of books,
etc.

Penalty for
failure to allow inspection.

by the president or other chief officer and the secretary of such corporation, showing the name of the corporation, and the State or county under whose laws it was incorporated, the amount of the total authorized capital of such corporation, its principal place of business, the name of the authorized agent of such corporation in this State and the post office address of such authorized agent of such corporation in this State and the location of the principal place of business of such corporation in this State and also a statement showing the actual amount of capital employed in this State by such corporation if such corporation is at the date of the filing of such statement engaged in business in this State, and if such corporation is not at the date of the filing of such statement engaged in business in this State, such statement shall state the actual amount of capital to be employed by such corporation in this State, which statement shall be sworn to by such president or other executive officer and the secretary of said corporation before some officer authorized under the laws of this State to administer oaths or take acknowledgment of conveyance. If the auditor shall have any reason to believe that any statement made in such instrument so filed in his office is untrue or that any fact or facts stated in such instrument or incorrectly stated, he shall have power to demand of such corporation, its officers or agents, an inspection of the books, records and papers of the said corporation for the purpose of ascertaining the truth or falsity of any such statement, and any such corporation which shall refuse to permit the auditor or such person as may be designated by him to inspect the books, records and papers of such corporation when such inspection is demanded by the auditor, shall not be permitted to transact any business or do any act in its corporate capacity in this State until such inspection is made. If the auditor upon making such inspection of the books, records and papers of such corporation shall find that the amount of the cap-

ital to be employed or which is employed by the said corporation in this State is in excess of the amount stated in such statement filed by such corporation he shall make demand upon such corporation its officers or agents for the payment of the difference in amount between the charter fee for which such corporation would be liable upon the amount of capital set forth in said statement and the amount of the charter fee for which such corporation would be liable, upon the amount of said capital as ascertained by the auditor from his inspection of the books, records and papers of such corporation and any such corporation which shall fail or refuse for the space of sixty days after the date that such demand is made by the auditor to pay such amount found by the auditor to be due by it in excess of the amount shown to be due by it in such statement, shall not be permitted to engage in business or do any act in its corporate capacity in this State at any time within five years from the date of such demand.

If amount of capital is in excess of that shown by statement difference in tax to be paid.

Penalty for refusal to pay such difference after demand.

Approved March 7, 1907.

No. 337.)

AN ACT.

(H. 769.)

To better provide for the revenue of the State and the more efficient assessment and collection of taxes and for this purpose to create a commission to be known as the State Tax Commission of Alabama; and to prescribe powers and duties of said commission, and its mode of procedure, and to abolish the office of State Tax Commissioner.

Section 1. *Be it enacted by the Legislature of Alabama,* That there is hereby created a Commission to be known as The State Tax Commission of Alabama.

State Tax Commission created.

Sec. 2. The State Tax Commission hereby created shall be composed of three Commissioners, consisting of a chairman and two associate

Members of; how appointed; term of office.

Vacancy; how filled.	<p>members, who shall be appointed by the Governor and designated as chairman and associate members of the State Tax Commission of Alabama. The three persons who are to compose said Commission shall be appointed by the Governor within ten days after the passage and approval of this Act, or as soon thereafter as practicable. The chairman and associate members of said Commission shall be appointed to serve for a term of four years to expire March 1st, 1911. Upon the expiration of the terms of the three Commissioners appointed under this Act as aforesaid each succeeding Commissioner shall be appointed and hold his office for the term of four years; and each commissioner provided for under the terms of this act shall hold office until his successor shall have been appointed and qualified. In case of a vacancy in the Commission, said vacancy shall be filled by appointment by the Governor for the unexpired portion of the term in which such vacancy shall occur, and said Commissioner thus appointed shall hold office as in case of a regular Commissioner under this Act.</p>
Qualifications	<p>Section 3. The persons to be appointed as members of The State Tax Commission hereby created shall be such as are, in the judgment of the Governor, known to possess high character and knowledge of the general subject of taxation and matters pertaining thereto. No person appointed as a member of said Commission shall hold any other office under the Government of the United States, or under any other State or of this State during his term of office. Each Commissioner shall devote his entire time to the duties of the office, and shall not hold any position of trust or profit, or engage in any occupation or business, the duties or conduct of which shall interfere or be inconsistent with the duties he shall assume as said Commissioner under this Act, or serve on or under any Committee of any political party in this State or in the United States.</p>
Not to hold other office.	

Sec. 4. Each Commissioner before entering upon the discharge of the duties of his office shall take, subscribe and file with the Secretary of State the following special oath of office in addition to the general oath of office prescribed for public officers by the Constitution of Alabama, viz: "I.....do hereby solemnly swear that I will faithfully, impartially, rigidly, and truly perform all of the duties of the office of State Tax Commissioner to which I have been appointed and which I now assume, without fear or favor, bias, or thought of personal gain or advantage; but will always regard and enforce the duties and responsibilities of my said office to the best and utmost of my ability, capacity and power." Said oath shall be taken before any qualified officer authorized to administer oaths in the State of Alabama, and shall thereupon be filed with the Secretary of State.

Sec. 5. Each of said State Tax Commissioners shall receive an annual salary of twenty four hundred dollars except the chairman of said Commission, who shall receive an annual salary of three thousand dollars. Such salary shall be paid out of the State Treasury in the same manner as salaries of other State officers are paid.

Sec. 6. The members of The State Tax Commission first appointed under this act, after having been duly qualified shall without delay meet at the Capitol at Montgomery and organize for the transaction of business. A majority of said Commission shall constitute a quorum for the transaction of business. The Commission must, after its organization, provide by resolution for regular meetings, and they must meet and sit in session for the conduct of investigations and making, revising, reassessing or assessing property at the County Seat of each County, wherein the property affected is situated, except that as to taxes levied against foreign corporations, all meetings shall be held at the Capitol, unless and except said Commission, upon written petition being filed, shall decide otherwise, provided, the

Secretary for Board; salary of; how paid.	Tax Commission shall notify the Boards of Revenue or County Commissioners of the date when they will sit or meet in the County, and such Boards of Revenue or County Commissioners shall and must sit with and advise the Tax Commission as to local conditions, concerning the taxable values in the County, provided, this shall not apply to Corporations which have assessable property located in more than one County in the State, but the County Boards or Commissioners shall have no vote in the determination of values.
May employ other persons.	Sec. 7. Said Commission may appoint a Secretary at a salary of not more than Eighteen hundred dollars (\$1800) per annum, which said salary shall be paid in the same manner as salaries of other State officials are paid. The Commission may employ such other persons as experts, engineers, stenographers, and assistants as may be necessary to perform the duties which may be required of said State Tax Commission, and said Commission shall fix the compensation of such other persons, upon the approval of the Governor. The Secretary of said Commission shall keep full and correct minutes and records of all hearings, transactions and proceedings of said Commission, and shall perform such other duties as may be required of him by law or by said Commission from time to time. The Commission shall have power to make all needful rules not inconsistent with law for the orderly, efficient and methodical performance of the duties and for conducting hearings and other proceedings before it. Any persons employed by said Commission as experts, stenographers, engineers, or assistants shall be paid out of the State Treasury upon a warrant drawn by the State Auditor on a certificate or voucher of the chairman of said Commission approved by the Governor and presented to the State Treasurer, provided the amount expended therefor shall not exceed \$3000 per annum.
Duties of secretary.	
Rules of commission; how made.	
Manner of paying experts etc., employed by commission.	
Amount not to exceed \$3,000 annually.	

Sec. 8. The State Tax Commission hereby created shall have, maintain and keep its office at the State Capitol at Montgomery, and shall be provided with suitable rooms, necessary office furniture, supplies, stationery, books, periodicals and maps, and all expenses of said commission incurred for such purposes or incurred in the discharge of its duties and the administration of its functions shall be audited and paid out of the State Treasury as provided in section 7 of this act for the payment of employees of said Commission, provided the amount expended for this purpose shall not exceed \$1000.00 per annum. The Commissioners, the Secretary of said Commission, and all stenographers, engineers, experts, and assistants who may be employed by said Commission, shall be entitled to receive their actual necessary expenses while traveling or acting on the business of said Commission, not exceeding \$5000.00 per annum, and such expenses shall be itemized and sworn to by the person who incurs the same, and shall be approved by the chairman of said Commission, or by a majority of the members thereof, and shall be paid out of the State Treasury as provided in section seven of this act for the payment of said Commission. All employees of said Commission shall be subject to the orders of said Commission. All employees of said Commission shall be subject to the orders of said Commission, and may be removed by order of the Commission for cause satisfactory to said Commission. Provided however, that the entire appropriation for the Commission together with every item of expense allowed thereto, shall not exceed in any one year the total sum of twenty five thousand dollars, which sum or as much therefore as may be necessary is hereby appropriated annually out of any money in the Treasury not otherwise appropriated.

Office at Capitol.

Amount appropriated for supplies.

Traveling expenses; how paid.

Employees may be removed by commission.

Total amount appropriated for all purposes.

Sec. 9. It shall be the duty of said State Tax Commission, and it shall have power and authority: 1. To have and exercise general and com-

Duties and powers of commission.

plete supervision over the assessment and collection of taxes and the enforcement of the tax laws of the State, and over the several county tax assessors, tax collectors, and County tax Commissioners in the several counties of the State charged with the duties of assessing or collecting escaped, delinquent and back taxes and licenses in the several counties of the State and over each and every State and county official charged with the duty of assessing, collecting or enforcing the payment of taxes, and licenses to the State or to any county in the State to the end that all assessments on property, privileges and franchises in the State shall be made relatively just and equal at their true value in substantial compliance with the law. 2. To confer with, advise and direct all assessors, collectors of State and County taxes and County tax Commissioners as to their duty under the laws of this State. 3. To direct actions, prosecutions and proceedings to be instituted to enforce the laws of this State relating to penalties, forfeiture, liabilities, and punishments of public officers and officers or agents of corporations, companies, or associations or persons for failure or neglect to comply with the provisions of the law governing the return, assessment and taxation of property privileges and franchises in this State; and to cause complaints, information, actions or prosecutions to be made or instituted against any tax assessor or tax collector in the proper court or to the proper judge of any court for the removal from office of such officers for official misconduct or neglect of duty. 4. To require county or circuit solicitors and the attorney general of the State to commence and prosecute actions, proceedings and prosecutions for penalties, forfeitures, impeachments, and punishments for violation of the laws of the State in respect to the assessment and collection of taxes and the enforcement of taxation of property, privileges and franchises subject to taxation within the respective jurisdiction or spheres of official duty of

said officers. 5. To require any county officer or other public officer in the State to report information as to the assessment of property, collection of taxes, receipts from licenses, and other sources, methods of taxation, values of franchises or intangible property or assets subject to taxation and such other information as may be needful in the work of said State tax commission in such form and upon such blanks as the commission may prescribe. 6. To require individuals, partnerships, companies, associations and corporations and the agents, officers and employees thereof to furnish information, concerning their capital, funded or otherwise, current assets and liabilities, value of franchises, value of property, earnings, operating and other expenses, bonds, deeds, conduct of business, and all other facts, records, papers, documents or other information of any kind demanded which may be needful in order to enable the said commission to ascertain the value and relative burden to be borne by each and every kind of property in this State; "Provided, however, that where such person, partnership, company, association or corporation is not engaged in a business which is subject to a tax on gross receipts, or on capital employed in this State, or on franchise, or on intangible property, the said Tax Commission shall not inquire into, nor shall it require information as to the liabilities, earnings, profits and loss, expenses or conduct of business of such persons, partnership, company, association or corporation." 7. To summon witnesses to appear and give testimony and to produce records, books, papers, documents and all other information of any kind or character required relating to any matter which the commission shall have authority to investigate and determine. Said witnesses may be summoned by subpoena issued by any member of said commission, or by the Secretary thereof in the name of the Commission directed to any sheriff of Alabama and returnable to said commission which subpoenas may be served in like manner

as subpoenas issued out of any circuit court; provided the several sheriffs shall receive the same fees for subpoenas served in civil cases; or said subpoenas may be served by registered mail addressed to said witness. In either case said subpoena must be served at least five days previous to the time named therein for the appearance of said witness. Subpoenas "duces tecum" to any witness to appear and produce any records, books, papers and other documents may be issued and served in like manner. 8. To cause the deposition of witnesses residing within or without the State to be taken upon such notice to the interested party, if any, as the commission may prescribe in like manner as depositions of witnesses are taken in actions pending in the circuit courts of the State, in any matter in which the commission shall have authority to investigate or determine. Said depositions shall be taken upon a commission to be issued by said State Tax Commission or the Secretary thereof in the name of the commission and returnable to said commission. 9. Oaths to witnesses in any manner under the investigation or consideration of the Commission may be administered by any member of the Commission or by the Secretary thereof. In case any witness shall fail or refuse to testify as to or in answer to any material question, or to produce any records, books, papers, or other documents in his custody or control when required so to do, it shall be the duty, of any circuit court or other court of like jurisdiction, or any judge thereof, upon the application of any member of the commission, to issue an attachment for such witness and compel such witness to comply with said summons, or to attend before the commission and produce such books, documents, papers, or records, and to give his testimony upon such matters as he may be lawfully interrogated about; and said court or the judge thereof, shall have the power to punish such witness for contempt as in cases of disobedience of a like subpoena is-

sued from such court for a refusal to testify in any cause pending therein. No witness shall be excused from attending or testifying, or from producing books, papers, records, accounts and other documents before said commission or in obedience to the subpoena issued by or in the name of the commission or any member thereof, on the ground or for the reason that the testimony, or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or a forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said commission, or in obedience to its subpoena; provided that no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. Each witness who shall appear before the commission by its orders shall receive for his attendance the fees and mileage allowed by law for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses of the commission are audited and paid, upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the commission; provided that witnesses summoned by parties other than the commission shall be paid by the party or parties causing said witnesses to be summoned. Any witness who shall testify falsely as to any material fact about which he is interrogated by the commission, or in any investigation of proceeding held before the commission, shall be guilty of perjury and must on conviction be imprisoned in the penitentiary for not less than two years nor more than five years. 10. To visit the several counties in the State for the purpose of investigating the work and methods adopted by county assessors, collectors, county tax commissioners or other officers or boards charged with the duty of as-

sessing, collecting, determining or adjusting the taxation of real and personal property in this State or in any county thereof; to examine carefully into all cases where evasions or violations of the law established for the assessment and collection of taxes on property are alleged, complained of or discovered, and to ascertain wherein existing laws are defective, or are improperly, or negligently administered, and to report the result of said investigation and the facts ascertained to the governor from time to time when required by him. 11. To investigate the tax systems of other States, to formulate and recommend such legislation as may be deemed expedient to prevent evasions of any laws of the State relating to taxation, and to secure just and equal taxation and improvements in the system of taxation in this State. 12. To consult and confer with the governor upon the subject of taxation and the administration of the laws in relation thereto and the progress of the work of the commission, and to furnish to the governor from time to time such information as he may require. 13. To transmit to the governor, thirty days before the meeting of the Legislature a written report showing all the taxable property in the State and the value of the same, in tabulated form, with recommendations for improvements in the system of taxation in the State, together with recommendations of such measures as said commission may formulate for the consideration of the legislature in regard thereto. 14. To assess, or cause to be assessed by the proper officer, any property subject to taxation; and to set aside and hold for naught any valuation or assessment of property made by any county officer within this State or by any board of revenue or court of county commissioners or by any other officers authorized to make assessments, and to reassess or revalue said property whether said original valuation or assessment be made by the property owner or by any officer of the State or of any county, or board of revenue or court of county

commissioners of the several counties in this State, unless the valuation or assessment shall have been previously in the same tax year confirmed or determined by a court of record on appeal; and the commission shall have the power to value and assess or reassess any property, tangible or intangible, subject to taxation in this State, without regard to any previous assessment or valuation, and shall have power to cause all its said assessments, valuation, re-assessment or re-valuations herein authorized to be entered in the proper assessment books, or records or minutes of the several county officers, or of the appropriate boards or tribunals of this State authorized to assess property or to determine the questions of assessment and taxation. Provided, that in every case where the State tax commission shall re-value or re-assess any property which had been previously valued or assessed for the same year by the County tax commissioner or the board of revenue or the court of County commissioners of the county in which the property is situated or subject to taxation, thirty days notice shall first be given to the owner or reputed owner of the property before such assessment is entered of record on the assessment books or rolls, by personal notice or notice left at his dwelling, or by registered mail, and such notice shall describe the property and the assessment or valuation, fixed by the commission and notify said owners to appear at a time specified therein before the commission at the Court House of the county in which the property is situated and show cause why said assessment or re-assessment should not be made. From the final determination or judgment of said commission as to said assessment or re-assessment the owner of the property may appeal within thirty days to the circuit court or court of like jurisdiction of the county in which said property is subject to taxation, Provided that the owner of the property may appeal to the Circuit Court or Court of like Jurisdiction of Montgomery County in all cases

Parties may appeal from final judgment of Commission.

Cases so appealed tried de novo and to be preferred case.	<p>where the property assessed or re-assessed lies in more than one county. Said case on appeal shall be tried de novo and shall have precedence over any other case, except criminal cases, and from the judgment of said court an appeal may be taken by either party to the supreme court within sixty days from the rendition of such judgment. If the State is unsuccessful the defendants witness not to exceed five in number, shall receive for his attendance the fees and mileage allowed by law for witnesses in civil cases in courts of record, which shall be audited and paid by the State in the same manner as other expenses of the commission are audited and paid upon proper vouchers sworn to by the witness and presented to the Chairman of the Commission. And provided further, that when any assessment has been made or valuation fixed by said State Tax Commission or by the judgment of any court of record, the property so assessed shall not be assessed at any less valuation, or for any less amount, for any succeeding year, Provided that the property shall remain substantially in the same condition as to improvements, except by consent of said State Tax Commission.</p>
Pay of witnesses when State unsuccessful.	<p>Section 10. The findings, judgments, assessments, valuations, and orders of said State Tax Commission shall be conclusive upon each and every public officer in the State of Alabama who is now or may hereafter be charged with the duty of assessing or collecting taxes or enforcing the assessment or collection of the same. Provided that in case of an appeal from any finding, judgment, assessment, valuation and orders of said State Tax Commission said appeal shall operate as a supersedeas of said finding, judgments, assessments, valuation and orders of said State Tax Commission.</p>
Property once assessed to remain at same value; exceptions.	<p>Section 11. That the findings, judgments, assessments, valuations, and orders of said commission shall be conclusive and binding upon each and every person, partnership, association, company or corporation interested therein, and upon any property, privilege or franchise of said per-</p>
Findings of Commission conclusive upon tax officers.	
Effect of appeal.	
Finding of Commission to be binding on parties unless altered by court of competent jurisdiction.	

son, partnership, association, company or corporation, interested therein, and upon any property, privilege, or franchise of said person, partnership, association, company or corporation, unless and until said findings, judgments, assessments, valuations, or orders shall be corrected, reversed, altered, changed, set aside or restrained by decree or judgment of a court of competent jurisdiction and power.

Section 12. Said commission shall require the secretary to keep on file in his office as a public record the orders and proceedings of the commission and said commission shall upon the approval of the governor, print and cause to be circulated from time to time such information as to its proceedings and the general matter of taxation in this State as it may deem proper and useful and the expenses of said publication and circulation shall be paid out of the State treasury in the manner provided hereinabove as to other expenses incurred by it.

Records and proceedings to be kept on file.
May print information as to proceedings.
How paid.

Section 13. The said State tax commission shall appoint subject to the approval of the Governor, one county tax commissioner for each and every county of this State. Provided however, that the present county tax commissioners shall be continued in office for the terms for which they were appointed unless sooner removed in the manner herein provided. In case of any vacancy in the office of county tax commissioner the vacancy shall be filled by appointment by the State tax commission for the unexpired term, by and with the approval of the governor. Any county tax commissioner may be removed by the governor at his discretion, or by the State tax commission, by and with the approval of the governor, for any inefficiency or malfeasance in office, and of the sufficiency of the ground or cause of removal the governor shall be the sole judge. Said county tax commissioners shall have and exercise all the powers which are now conferred or which may hereafter be conferred, upon them by law, not in-

Appointment of County Tax Commissioners.
Vacancy; how filled.
County Tax Commissioners may be removed from office.
Powers of County Tax Commissioners.

consistent or in conflict with the provisions of this act.

Duty of attorney general and solicitors to represent Commission.

Section 14. It shall be the duty of the attorney general and the various solicitors of the State when requested by the State tax commission to represent the commission and the State in any and all legal proceedings instituted by or against it, and to institute any legal proceedings which said commission may request or deem necessary to enforce the provisions of this act, or to compel obedience to or observance of the same, by any person, partnership, association company or corporation upon whom such obedience is

Governor may employ special counsel.

herein imposed to represent the State at any hearing before the commission. And the governor is hereby authorized and empowered to employ any special counsel to institute or defend such legal proceedings or to assist the attorney general therein and to contract with said special counsel concerning a reasonable compensation for his or their services, which compensation shall be paid out of the State treasury on a warrant drawn by the auditor on the State treasurer, upon the approval of the governor.

Office of State tax commissioner abolished.

Sec. 15. That the office of State tax commissioner be and the same is hereby abolished.

Effect.

Section 16. That this act shall go into effect immediately upon its passage and approval and that all laws and parts of laws in conflict or inconsistent with the provisions of this act be and the same are hereby repealed.

Repeal.

Banks not required to disclose deposits of customers.

Sec. 17. No officer of any bank or banking institution shall be required to disclose to the tax commission or any of its agents or clerks the deposits of its customers.

Approved March 7, 1907.

No. 339.)

AN ACT.

(H. 805.

To amend sections one (1) and two (2) of an act entitled "an act to confer additional rights and powers, including the right to acquire by purchase, or by condemnation, lands and easements, upon corporations organized under the general laws, or heretofore under a special act of the general assembly of the State of Alabama, and upon corporations organized under the laws of any other State of the United States, and which corporations have complied with the laws of Alabama in reference to foreign corporations, and which have the right by their charter to manufacture, supply and sell power produced by water as a motive force," approved October 1, 1903; and to add sections 8 1-2 and 9 1-2 to said act defining the duties of such corporations to the public.

Section 1. *Be it enacted by the Legislature of* ^{Section} *Alabama,* That section 1 of an act entitled "an ^{amended.}

act to confer additional rights and powers, including the right to acquire by purchase or by condemnation, lands and easements, upon corporations organized under the general laws or heretofore under a special act of the general assembly of the State of Alabama, and upon corporations organized under the laws of any other State of the United States, and which corporations have complied with the laws of Alabama in reference to foreign corporations and which have the right by their charter to manufacture, supply and sell power produced by water as a motive force "approved October 1, 1903, be amended so as to read as follows: Section 1. That all corporations organized under the general laws of this State or heretofore under a special act of the legislature of this State, and all corporations organized under the laws of any other of the United States, and which have complied with the constitution and laws of the State of Alabama, as to foreign corporations, and which by their charter have the

Corporation
rights as to
water power.

right to manufacture, supply and sell to the public, power produced by water as a motive force, shall after acquiring by purchase or otherwise than by condemnation a dam or power site comprising not less than one acre of land upon each and opposite sides of any water course, have the right and authority to acquire by condemnation in the manner provided by law for the condemnation of lands and rights of way for public use in article one (1) charter 42 of the code the lands necessary for the construction and operation of said dam, and works therewith, and the right and authority to construct and operate at said site and across said stream a dam, together with all works incident or necessary thereto, and the right and authority to impound or divert water of any water course or water courses of this State, and the right and authority to raise higher such dam and to enlarge the works necessary or incident thereto, as may be required or deemed expedient by such corporation, in the manufacture and supply of power produced by water as a motive force.

Condemnation to secure water rights.

Sec. 2. That section 2 of said act be amended so as to read as follows: Section II. That corporations such as are mentioned in section 1 hereof shall have the right and authority to acquire by purchase, if said corporation and the owners agree, and if said corporation and said owners cannot agree as to said purchase, then by condemnation in the manner provided by law for the condemnation of lands and rights of way for public use in article one (1), chapter 42 of the code of 1896, which method of condemnation shall be cumulative, all lands or waters or interests or rights or easements in lands or waters, likely or liable to be flooded or damaged by impounding or diverting the water of any water course of this State, and its tributaries or necessary for the construction of dams and power houses, or works necessary or incident thereto, or likely or liable to be flooded or damaged by the construction and operation and enlargement of the dams and works

incident or necessary thereto, or damaged or taken in the construction, operation or use of all canals, tail-races, or exit ways necessary, useful or convenient for the escape, conveyance or return of the water used in the operation of the works or power plant; provided, that such corporation shall have no right to condemn a private residence, nor the out house, garden nor orchard within the cutilage of a private residence, for rights of way for its transmission line or lines; and provided, such corporation shall have no right to condemn lands or water rights in use or held for such use by another corporation having similar powers, except where such lands or water rights have been acquired subsequently to those already held by the condemning party upon the same river or stream, and where the lands or rights acquired by such other corporation prior to the holdings of the condemning party in themselves and taken alone cannot be made the reasonable basis of a water power development, or where and to the extent that such water rights cannot be utilized beyond the average natural flow of the stream as determined by the records of previous years except by virtue of the works or constructions of the condemning party; and provided, such corporations shall have no right to condemn water rights or water in actual and prior use by any cotton mill or factory, or other industry using water power, provided this restriction does not apply to waters in actual use or capable of being used by the said cotton manufactory, or other industry using water power, for the use of its plants already established as the same may be available to it by the actual flow of the stream or by its facilities for increasing the same; but such corporation may by condemnation acquire the right to flood grist mills and industries in conjunction therewith together with lands and water rights appertaining thereto, but must pay to the owner thereof before such flooding such reasonable and just compensation as may be awarded in the manner provided by law for the condemnation of

Dams.

lands and rights of way for public use in article one (1) of chapter 42 of the code of 1896.

Sec. III. That said act be amended by adding thereto after section 8, the following: Section 8 1-2. That any dam erected in accordance with the provisions of this statute, shall be considered a dam authorized by the legislature of this State at the particular site selected and of the specific height and dimensions determined upon.

Furnishing of electricity.

Sec. IV. That said act be amended by adding thereto after section 9, the following: Section 9 1-2. Be it further enacted, that any corporation manufacturing, selling and supplying power, heat, light or electricity produced by water as a motive force under the provisions of this statute must sell such power, heat, light or electricity to any person or persons municipal or other corporation, in the order in which requests or demands are made for such light, heat, power, or electricity. Nothing herein, however, shall be construed to require any such corporation to furnish light, heat, power or electricity to any person or persons, corporation or corporations, until satisfied of his or its financial responsibility, or until adequate security has been given for the performance of any contract to be entered into.

Approved March 12, 1907.

No. 340.)

AN ACT.

(H. 30.

To define who are delinquent children and to provide for their arrest, care and reformation.

Delinquent children; who are.

Section 1. *Be it enacted by the Legislature of Alabama,* That any child under fourteen years of age, who violates any law of this State, or ordinance of any municipality thereof; or who is incorrigible; or who knowingly associates with thieves, gamblers, whores or vicious or immoral persons; or who is growing up in idleness or crime; or knowingly visits or enters a house of ill

fame; or who knowingly visits or patronizes any policy shop, bucket shop, pool room, billiard room, bar room, or club room where liquors are sold; or where any gaming table, or device for gambling is or is operated, or who loiters about any such places; or who habitually smokes cigarettes; or who wanders about the streets at night without being on any lawful business; or who habitually wanders about any railroad yard or tracks; or jumps or hooks on to any moving engine or car; or unlawfully enters any engine or cab or habitually uses vile, obscene, profane or indecent language; or is found in possession of any indecent or lascivious book, picture, print, card or paper; or in possession of any pistol, dirk, bowie knife or knife of like kind, or of brass knucks; or is guilty of immoral conduct in any public place or in or about any school house; shall be deemed a juvenile delinquent person and shall be proceeded against, as such, in the manner hereinafter provided.

Sec. 2. The chancery court, or any court having equity powers and jurisdiction, shall have jurisdiction. of all proceedings against any juvenile delinquent under this act except in cities having police courts, with the power to try misdemeanants against the laws of Alabama, then in such cities such police courts shall have concurrent jurisdiction of all proceedings under this act, with the chancery court. Provided, that, the courts named in this section shall not have jurisdiction of or over boys charged with any assault upon a girl or woman, who shall be proceeded against and tried as prescribed by law before the enactment hereof.

Sec. 3. That the chancery courts, equity courts and such police courts as have jurisdiction conferred upon them by this act shall have a "juvenile docket" whereon shall be entered all cases against juvenile delinquents, and a separate minute book of all orders and decrees entered or passed in cases of juvenile delinquents. The trial of all charges against juvenile delinquents shall be

Courts having jurisdiction.

In cases of assault upon a woman or girl, how tried.

Such courts to keep juvenile docket.

Trial of charges against juvenile delinquent.

held at a different time from the hearing of other causes in said courts, and no person shall be admitted to hear the trial of any juvenile delinquents except the officers of the court, attorneys engaged in the trial, and the parents of and the guardians of the child, or the person having the custody or control of the child; and shall be so conducted as to disarm the child's fears and win its respect and confidence.

County solicitor to prosecute for State court; may appoint counsel for child.

Sec. 4. The court may require the county solicitor to appear in any cause and prosecute the proceedings or charge in the name of the State; and if necessary, shall appoint an attorney to represent the child.

Probation officers; how appointed; powers and duties of.

Sec. 5. That the courts having jurisdiction of proceedings against juvenile delinquents, shall appoint probation officers, who must be of good moral character, intelligent, of blameless lives, and in sympathy with the aim and purpose of the act; who under the orders of the court shall have the oversight and care of such juvenile delinquents as may be committed to his charge or supervision, and it shall be his duty to bring charges against juvenile delinquents who violate any provision of this act, and against any person who aids or encourages any juvenile delinquents in violating the law or who advises him thereto.

Clerk to issue summons when charge filed.

Sec. 6. Whenever any charge is filed in a court having jurisdiction of offenses against this act it shall be the duty of the clerk of the court to issue thereon a summons commanding and requiring the child named in the charge or complaint to be and appear in the court at an hour named in the summons. The person making the charge or complaint must also name the father, or mother or guardian of the child, and the person having the custody or control thereof, who must also be summoned to appear at the trial of the complaint. The court shall so conduct the trial without any form or ceremony as to elicit the true state of mind and morals of the child, and its surroundings and associations, and then determine what is

Person making charge must name father or guardian who must be summoned. How trial conducted.

best for the welfare of the child, and render judgment accordingly.

Sec. 7. If the child have a home, it must be preferred, unless the character or condition of the parents, guardian or person having control of the home of the child are such as to forbid the keeping of the child in that home; and in this case, the court may commit the child to the custody of some suitable person or home, and if the parents of the child have the ability, they must be required to provide for the support of the child under the orders of the court, or if the child have an estate in the hands of a guardian the guardian must be required to pay for its support so long as there are funds of the child in possession or control of the guardian. If the child have neither parents who are able to provide for it nor estate sufficient for its maintenance then the child must be committed to any home or school or reformatory in this state, that will receive and maintain the child. If the child is not committed to a home, school or reformatory maintained by the State or county, the court of county commissioners or board of revenue of the county of the residence of the child, shall be required by the court to pay its reasonable and proper support until the child is adjudged by the court to be able to make its own living.

Section 8. Where ever probation officers are appointed by the judge of a police court, municipal authorities shall pay the officers a reasonable salary, to be agreed on by the judge of the police court and the municipal authorities. When the probation officers are appointed by the chancellor or judge of a court having equity jurisdiction, the commissioners court or board of revenue of the county must pay the officers a reasonable salary, to be fixed by agreement with the chancellor or judge.

Sec. 9. In counties having no police court with the power to try misdemeanors, and no chancellor living in the county, and having a court exercising equity jurisdiction the judge of such equity court shall have exclusive jurisdiction to

How child
cared for.

Salary of pro-
bation officers;
how paid.

Judge of court
of equity to de-
termine cases
hereunder;
when.

hear and determine all complaints under this act.

Register in
Chancery to
determine
cases hereun-
der; when.

Sec. 10. In counties having no police court nor court with equity powers and no chancellor living therein, the register in chancery during vacation, shall have the power to hear and determine all complaints made under this act, and shall immediately report his action to the chancellor for his consideration and determination, which shall have the same force and effect as though the chancellor had heard the complaint in the first instance.

Child under
fourteen not
to be impris-
oned.

Sec. 11. Whenever a child under fourteen years of age is arrested, charged with any violation of law, State or municipal the child must not be imprisoned, but shall forthwith be taken before the proper chancellor, judge or register for procedure under this act. If any child under fourteen years of age is brought before any court or judge or justice of the peace, he shall immediately inquire as to the age of the child and if found to be under fourteen, or if the judge or justice be in doubt as to whether the child is fourteen years old, the child shall not be tried or examined on the charge, but must forthwith be sent, together with a copy of the charge, before the proper judicial officers provided by this act.

Penalty for
committing to
jail or impris-
oning child
contrary to
this act.

Sec. 12. Any judge or justice who commits to prison or jail, of any kind, any child contrary to the provisions of this act, shall be guilty of a high misdemeanor; any officer or person who imprisons or locks up a child contrary to the provisions of this act, must on conviction thereof be sentenced to hard labor for not less than one month nor more than six months.

Penalty for en-
couraging de-
linquency.

Sec. 13. Any person who by any act or word encourages, contributes to, or causes the delinquency of any child under fourteen years, must on conviction be fined not less than fifty dollars; and may also be sentenced to hard labor for not less than one month nor more than six months.

Sec. 14. Any person who knowingly disregards or fails to obey any order made by a chancellor, judge or register under the provisions of this act, must on conviction thereof be fined not less than fifty dollars, and may be sentenced to hard labor for not less than one month nor more than six months.

Penalty for failure to obey orders of judge.

Sec. 15. Any person who knowingly interferes with, or opposes or obstructs any probation officer in the performance of his duties under this act, or who knowingly makes any false statement to him about any matter or person about which he is enquiring in the discharge of his duty, must on conviction thereof be sentenced to hard labor for not less than one month, nor more than six months; and shall also be guilty of a contempt of court.

Penalty for interfering with probation officer.

Sec. 16. That whenever it appears to any court that a child under fourteen years of age stands indicted or charged in an affidavit, for the violation of law the judge must immediately enquire as to the age of the child and if found to be under fourteen years or if the court is in doubt as to the age of the child, it must give the child the benefit of the doubt and enter an order on the minutes of the court suspending all proceedings against the child under the indictment or affidavit, and order that a copy of the indictment or affidavit and the child be delivered to the court having jurisdiction of proceedings under this act, and upon receipt of such copy of the indictment or affidavit, the court having jurisdiction of proceedings against juvenile delinquents must take jurisdiction under this act; and if at any time the court is convinced that, the child cannot be reformed and brought to lead a correct life, then the court shall order the child returned to the court in which the indictment or affidavit is pending, whereupon the court must proceed as if no suspension had been entered in the criminal cause.

When child under fourteen years indicted; duty of court as to.

When child cannot be reformed; returned to court in which indictment pending.

Confessions
etc. of child
under fourteen
years not legal
or competent
evidence.

Sec. 17. The statements, declarations, confessions or admissions of any kind, made by a child under fourteen years of age, to any person, officer or the court; or the manner or demeanor or silence of such child, when questioned or accused, nor any statement made by any person, officer or the court shall never be legal or competent evidence against the child in any court or proceeding whatever, nor shall the same ever be admitted by any court in any proceeding against the child.

Approved March 12, 1907.

No. 342.)

AN ACT.

(S. 175.

To further regulate and prohibit the dealing in future contracts in the State of Alabama.

Future contracts declared
null and void.

Be it enacted by the Legislature of Alabama, That every contract, whether in writing or not, whereby any person shall agree to sell and deliver any cotton, indian corn, wheat, rye, oats, tobacco, meal, lard, bacon, salt pork, salt fish, beef cattle, sugar, coffee, stocks, bonds, and choses in action, at a place and at a time specified and agreed upon therein to any other person, whether the person to whom such article is so agreed to be sold and delivered shall be a party to such contract or not when, in fact, and notwithstanding the terms expressed of such contracts, it is not intended by the parties thereto that the articles or things so agreed to be sold and delivered shall be actually delivered, or the value thereof paid, but it is intended and understood by them that money or other thing of value shall be paid to the one party by the other, or to a third party, the party to whom such payment of money or other thing of value shall be made to depend, and the amount of such money or other thing of value so to be paid to depend upon whether the market price or value of the article so agreed to be sold and delivered is

greater or less at the time and place so specified than the price so stipulated to be paid and received for the articles so to be sold and delivered, and every contract commonly called "futures" as to the several articles and things hereinabove specified, or any of them, by whatever other name called, and every contract as to the said articles and things, or any of them, whereby the parties thereto contemplate and intend no real transaction as to the article and thing agreed to be delivered, but only a payment of a sum of money or other thing of value, such payment and the amount thereof and the person to whom the same is to be paid to depend on whether or not the market price or value is greater or less than the price so agreed to be paid for the said article or thing at the time and place specified in such contract shall be utterly null and void, and no action shall be maintained in any court to enforce any such contract, whether the same was made in or out of the State, or partly in and partly out of the State, and whether made by the parties thereto by themselves or by or through their agents, immediately or mediately or shall any party to any such contract, or any agent of any such party, directly or remotely connected with any such contract in any way whatever have or maintain any action or cause on account of any money or other thing of value paid or advanced or hypothecated by him or them in connection with or on account of such contract and agency. This section shall not be construed so as to apply to any person, firm, corporation, or his or their agent engaged in the business of manufacturing or wholesale merchandising in the purchase or sale of the necessary commodities required in the ordinary course of their business.

Sec. 2. Proof that anything of value agreed Proof required to be sold and delivered was not actually delivered at the time of making the agreement to sell and deliver, and that one of the parties to such agreement deposited or secured, or agreed, to deposit or secure, what are commonly called "mar-

Penalty for
parties aiding
same.

gins" shall constitute prima facie evidence of the contract declared void by the preceding section.

Sec. 3. If any person shall become a party to any contract for the sale and future delivery of any article or personal property in which it is not intended by the parties thereto that such property shall be actually delivered but the difference between the contract price and the market price on the day of delivery shall be paid in money, or if any person shall be the agent directly or indirectly, of any such party in making or furthering or effectuating the same, or if any agent or officer of any corporation shall, in any way or manner knowingly aid in making or furthering any such contract to which such corporation shall be a party, he shall be guilty of a misdemeanor, and on conviction shall be fined not less than one hundred dollars nor more than five hundred dollars, and may be sentenced to hard labor for not less than one month nor more than six months.

Penalty for
person con-
senting to be-
come party to
contract made
in other State.

Sec. 4. If any person shall, while in this State consent to become a party to any contract contrary to preceding section, made in another State, or if any person shall, as agent of any person or corporation become a party to any such contract made in another State or in this State do any act, or in any way aid in the making or furthering such contract so made in another State, he shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty dollars nor more than two hundred dollars and may be sentenced to hard labor for not less than one month nor more than six months.

Penalty for en-
gaging in busi-
ness in this
State.

Sec. 5. If any person, corporation or other association of persons, either as principal or agents, shall establish or open an office or other place of business in this State for the purpose of carrying on or engaging in any business of making contracts to sell and deliver any cotton, indian corn, wheat, rye, oats, tobacco, meal, lard, bacon, salt pork, salt fish, beef cattle, sugar, coffee, stocks, bonds, and choses in action, at a place and at a time specified and agreed therein, to any other

person, whether the person to whom such article is so agreed to be sold and delivered, shall be a party to such contract or not, when, in fact and notwithstanding the terms expressed in such contracts, it is not intended by the parties thereto that the articles or things so agreed to be sold and delivered shall be actually delivered or the value thereof paid, but it is intended and understood by them that money or other thing of value shall be paid to the one party by the other, or to a third party, the party to whom such payment of money or other thing of value, shall be made to depend, and the amount of such money or other thing of value so to be paid to depend upon whether the market price or value of the article so agreed to be sold and delivered is greater or less at the time and place so specified than the price stipulated to be paid and received for the articles so to be sold and delivered, or for making contracts commonly called "futures" as to the several articles and things hereinbefore specified, or any of them, by whatever name called, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, and may be sentenced to hard labor for not less than one month, and upon a second conviction shall be fined not less than five hundred dollars and sentenced to hard labor for not less than six months.

Sec. 6. No person shall be excused on any prosecution under the three next preceding sections from testifying touching anything done by himself or others contrary to the provisions of such sections but no discovery made by the witness upon such examination shall be used against him in any penal or criminal prosecution, and he shall be altogether pardoned of the offense so done or participated in by him. In all such prosecution, proof that the defendant was a party to a contract as agent or principal to sell and deliver any article, thing or property specified or named in such sections, or that he was agent directly or indirectly, of any party in making, fur-
Prosecutions
for same.

thering or effectuating the same, or that he was the agent or officer or officer of any corporation or association or person in making, furthering or effectuating the same, and that the article, thing or property agreed to be sold and delivered was not actually delivered, and that settlement was made or agreed to be made upon the difference in value of said article, thing or property shall constitute against such defendant prima facie evidence of guilt. Proof that any person, corporation or other association of persons, either as principal or agents has established an office or place where are posted or published from information received the fluctuating prices of grain, cotton, provisions, stocks, bonds, and other commodities, or of any one or more of the same, shall constitute prima facie evidence of being guilty of violating the three preceding sections.

Effect.

Sec. 7. The provisions of this act shall take effect on the first day of January, 1908.

Approved March 7, 1907.

No. 343.)

AN ACT.

(S. 220.

To repeal section sixteen of an act to establish a uniform system for the examination and licensing of teachers of public schools. Approved February 10, 1899; amended February 8, 1901.

Section 16 of
act repealed.

Section 1. *Be it enacted by the Legislature of Alabama,* That section sixteen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10, 1899; amended February 8, 1901, be and the same is hereby repealed.

Approved March 13, 1907.

No. 341.)

AN ACT.

(S. 113.

To define vagrancy, and to provide for the proof and punishment thereof.

Section 1. *Be it enacted by the Legislature* ^{vagrancy de-}
of Alabama: (a) that any person who wanders ^{defined.}
 or strolls about in idleness or lives in idleness
 who is able to work, and has no property suffi-
 cient for his support: (b) or any person lead-
 ing an idle, immoral or profligate life, who has
 no property sufficient for his support, and who
 is able to work, and does not work: (c) or any
 able-bodied person having no property sufficient
 for his support, who loafs, loiters or idles in any
 city, town or village, or upon a public highway,
 or about a steam boat landing, or a railroad sta-
 tion, or any other place in this State, or any
 place where intoxicating liquor is sold without
 any regular employment: (d) or any person
 trading or bartering stolen property, or who un-
 lawfully sells or barterers any spirituous, vinous,
 malt or other intoxicating liquors: (e) or any
 person who is a common drunkard: (f) or any
 person who is a professional gambler: (g) or any
 able-bodied person who is found begging: (h) or
 any able-bodied person who shall abandon his
 wife and children or either of them without just
 cause, leaving her or them without sufficient
 means of subsistence, or in danger of becoming
 a public charge: (i) or any person who is a
 prostitute: (j) or any person who is a keeper,
 proprietor or employee of a house of prostitu-
 tion: (k) or any person who is the keeper, pro-
 prietor or employee of a gambling house: (l)
 or any person who has no property sufficient for
 his support, and who is able to work and does
 not work, but hires out his children or allows
 them to hire out: (m) or any person under the
 age of twenty-one years able to work and who
 does not work, and has no property sufficient
 for his support, and has not some means of a fair,
 honest and reputable livelihood: Is hereby de-

Punishment.

Burden of
proof not on
State.

When defend-
ant hires out
minor chil-
dren.

Reasonable
doubt entitles
defendant to
acquittal.

clared to be a vagrant, and must on conviction be fined not more than five hundred dollars (\$500.00), and may also be sentenced to hard labor for the county for not more than 12 months. Provided, however, that in no prosecution under this act shall the burden of proof rest upon the State to establish the fact that the defendant has no property sufficient for his support, nor means of a fair, honest and reputable livelihood, but whenever it shall be established by the proof in any prosecution under this act that the defendant has been guilty of wandering or strolling about in idleness or living in idleness, and is able to work: or that such defendant is leading an idle, immoral or profligate life, and that such defendant is able to work: or that the defendant being able to work, loafs, loiters or idles in the places named in subdivision "c" of this section of this act: or that such defendant is able and does not work, but hires out his minor children or allows them to hire out, then, or in either of such events, a prima facie case of guilt is hereby declared to be established in all prosecutions under paragraphs A, B, C, L, and M, of this act, and the burden of proof shall be upon the defendant to show that he has sufficient property from which to obtain a support, or sufficient means of maintaining a fair, honest and reputable livelihood: and provided further, that in a prosecution under subdivision "M" of this section, the defendant shall not be convicted if his parents, or those occupying that relation to him, are able to support him, and do support him, or that he is in bona fide attendance upon some educational institution. Provided, however, that in all prosecutions under this act where the burden of proof is placed upon the defendant, if the evidence introduced by the defendant is sufficient when considered with all of the evidence in the case to raise a reasonable doubt as to his guilt he shall be entitled to an ac-

quittal. And provided further, that the provisions of this act shall not apply to persons who are idle under strike orders or lockouts.

Ineffective as to persons out on strike.

Sec. 2. Be it further enacted that this act shall be in force from its passage.

Effect.

Sec. 3. Be it further enacted, that all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Repeal.

Approved March 7, 1907.

No. 345.) AN ACT. (H. 610.

To further amend the revenue laws of the State of Alabama.

Section 1. *Be it enacted by the Legislature of Alabama*, That subdivision 7 of Section 3911, of the Code of Alabama as amended by an Act of the Legislature of Alabama entitled "An Act to better provide for the revenue of the State" approved March 4th, 1903, be amended so as to read as follows: 7 A. That no mortgage, deed of trust, contract of conditional sale, or other instrument in the nature of a mortgage, which is given to secure the payment of any debt which such mortgage, deed of trust, contract of conditional sale or other instrument of like character shall be executed so as to convey real property or any interest in real property or personal property which is situated within this State, shall be received for record unless the following privilege taxes shall have been paid upon such instrument before the same shall be offered for record, to-wit: Upon all such instruments which are executed to procure any indebtedness which shall not exceed one hundred dollars, there shall be paid the sum of fifteen cents, and upon all such instruments which shall be executed to secure an indebtedness of more than one hundred dollars there shall be paid the sum of fifteen cents for each one hundred dollars of said indebtedness

Privilege tax on mortgages, etc.

Amount of tax
paid to pro-
bate judges.

Probate judge
to certify
such payment
on the mort-
gage, etc.

When so certi-
fied admitted
to record in
other counties.

Tax to be paid
upon all con-
tracts for sale
of real or per-
sonal property.

When extend-
ed or renewed
tax collected
on amount ex-
tended or re-
newed.

or portion thereof which is secured by said mortgage, deed of trust, contract of conditional sale, or other instrument of like character to be paid for by the lender. B. That upon filing for record of such mortgage, deed of trust, contract of conditional sale or other instrument of like character the person to whom the same shall be made payable or his agent shall present the said instrument to the Judge of Probate of the County within which the property conveyed thereby or any part thereof is situated, and shall pay to the probate judge the amount of the tax required under this act to be paid upon such mortgage, deed of trust, contract of conditional sale, or other instrument of like character and upon such payment the probate judge or his clerk shall certify on said mortgage, deed of trust, contract of conditional sale or other instrument of like character the fact that the said tax has been paid, and when so certified by the probate judge or his clerk such instrument shall be admitted to record in any county wherein any of the property mentioned in said instrument is situated, without the payment of any further tax thereon except the fee of the probate judge for recording such instrument, and such certificate of the probate judge shall be recorded by said probate judge when such instrument is recorded. The tax herein provided for shall be paid upon all contracts for the sale of real or personal property whether the same be in the nature of a conditional sale or a bond for title and no such contract shall be received for record until such tax shall have been paid. C. That when the time for the payment of the indebtedness secured by any such mortgage, deed of trust, contract of conditional sale, or other instrument in the nature of a mortgage is executed or renewed, and the extension or renewal contract is offered for record the tax required in this Act shall be paid on the amount of the indebtedness so extended or renewed; and the same shall be governed in all respects by the provision of this Act. "D. There

shall be no ad valorem tax collected upon any such instrument, or the debts secured thereby, which shall have paid the tax prescribed by this Act, either State, county or municipal." E. Of the taxes collected by the probate judge under this Act there shall be paid to the County Treasurer of the County in which such taxes are collected one-third of the amount so collected by him to be accounted for by him, and the remaining two-thirds of said amount collected by the probate judge shall be paid by him to the State Treasurer. The probate judge shall receive five per centum of the amount collected by him as compensation for his services in collecting said money and certifying said instrument, said five per centum to be retained by him out of the moneys collected by him under this Act. Provided, that when the property described in said instrument is situated in different counties within this State, then the probate judge who collects said taxes shall pay over the amount due the County Treasurer to the County Treasurer of each of the different counties in which said property is situated an amount of said taxes that will be in proportion to the value of the property therein as compared with the value of the whole property within this State described in said instrument. F. Any probate judge who shall file for record or shall record, any such instrument without the same having been certified by the probate judge as provided by this Act, shall be guilty of a misdemeanor and on conviction be fined not less than ten nor more than one hundred dollars. G. If any part of the property embraced or described in any instrument which is required under this Act to pay a record privilege tax is located without this State, the indebtedness upon which this tax shall be paid for the privilege of recording such instrument shall be that proportion of the indebtedness secured by the instrument which the value of the property located in this state bears to the value of the whole property described in the instrument. The

No ad valorem tax on same.

Amount of taxes for state and county.

Commission of Probate Judge.

When property situated in different counties; how county's part of tax distributed.

Penalty for filing or recording such instrument without certificate.

When part of property not in State.

Power of State
Board of Com-
promise as to
same.

State Board of compromise shall have the power to ascertain the value of the whole property and of that part of it which is located within this State for the purpose of ascertaining the amount of the indebtedness upon which said tax shall be paid, and the value of that part of the property located within this State and the amount of the indebtedness upon which such tax shall be paid shall be ascertained in the following manner: First. The owner of any such instrument or his agent or attorney may petition the State Board of Compromise to ascertain the value of the whole property and of that part of it which is located within this State and the amount of the indebtedness upon which such tax shall be paid, and said Board of Compromise after hearing such evidence as may be offered shall fix and determine the value of that part of the property located within this State and the amount of the indebtedness upon which the tax shall be paid, and shall indorse its findings on such instrument, and upon the presentation of said instrument, with such indorsement, to the probate judge of the county in which any part of the property is located, such indorsement, upon the payment of the tax upon the amount of such indebtedness as so ascertained by said Board of Compromise and of the recording fees of the probate judge; or, Second. The owner of any such instrument or his agent or attorney may have such instrument recorded by paying to the probate judge of the county in which the instrument is offered for record the privilege tax on the entire amount of the indebtedness secured by such instrument; and may thereupon present his petition to the State Board of Compromise within thirty days after said instrument is recorded and it shall be the duty of such board to ascertain the value of the whole property and of that part of it located within this State, and to fix and determine the amount of the indebtedness upon which the tax shall be paid, and said Board shall thereupon ascertain such valuation and fix and determine such in-

debtedness, and shall order the probate judge to refund the excess of privilege tax collected by him, and it shall be the duty of the probate judge to comply with such order; and the tax paid on the entire amount of such indebtedness shall be held by the probate judge until the Board of Compromise determines the amount of the indebtedness upon which such tax shall be paid. H. Any renewal or extension of the time for payment of the indebtedness secured by any such instrument shall be governed in all respects by the provisions of this Act. I. All money lent, solvent credits or credits of value except such as are secured by mortgage, deed of trust, or written contract of conditional sale, upon which a tax imposed by law has been paid. J. All money employed in the business of advancing or lending on any kind of chattels, choses in action or personal property, or used in buying or discounting notes, bonds, or bills of exchange. K. All moneyed capital used in any business which comes in competition with the business of national banks.

Money lent,
solvent credits.
etc.

Money employ-
ed in business
of advancing
or sending.

Moneyed capi-
tal.

Section 2. That Sub-Division 8 of Section 3911 of the Code of 1896 be and the same is hereby amended so as to read as follows: 8. Every share of any incorporated bank or banking association incorporated under the laws of this State or any other State or of the United States, to be assessed and collected in the County, City, town, or village, where any such bank is located and to be assessed at its actual market value to the person in whose name such share stands on the books of such bank and not to the bank or corporation. It is the duty of the president or cashier of every such bank or banking association to make out and return under oath to the assessor of the county in which the bank is located, a list showing the total number of shares of the capital stock of such bank, the full name and residence of every shareholder as far as known, the actual market value of such shares, and the par value thereof, the date of the last sale of stock

Shares of
banks.

in such bank with the names of the seller and purchaser thereof, and the price paid for same, the annual dividend declared upon the stock of such bank for the last three years, the value of the shares as shown by the books of the corporation and by the last report of the officers to the shareholders, the amount of the surplus and the amount of the undivided profits not included in the surplus, and such president and cashier shall, at the same time return to the assessor of the county a sworn statement of all real estate owned by the bank, situated in this State, and the value thereof as assessed for taxation the same year, and thereupon it shall be the duty of the assessor after passing upon such assessment, to deduct from the amount or sum at which the whole of the shares are assessed, the amount of the sum at which the real estate situated in the State and belonging to such bank is assessed for taxation; and the residue of values remaining after such deduction shall be the assessed value of the whole of such shares, and such residue divided by the whole number of shares, shall constitute the value of each share for taxation and the bank shall pay for the shareholder, the tax assessed against such shares, and no other deduction shall be made from the value of such shares except the value of the real estate situated in this State, and owned by said bank as assessed for taxation the same year. And all tax assessors, courts of county commissioners, boards of revenue, and all other courts are hereby expressly prohibited from making any deduction from the value of such shares except such assessed values of the real estate owned by such banks. It is the intent and meaning of this sub-division that the real estate of every such bank shall be assessed for taxation against the bank as other real estate in this state is assessed to the owner thereof, and that the bank shall pay the taxes thereon; and the shares shall be assessed for taxation against the shareholders at their actual market value after deducting therefrom the assessed val-

ue of the real estate of the bank, and that the bank shall pay for the shareholders respectively the tax so assessed against their shares. In arriving at the market value of the shares, there must be considered everything which gives them value such as the franchise, the authorized capital and assets of the bank, the real and personal property, the reserve fund, the surplus, the undivided profits, and all other interests of the shareholders that would pass to a purchaser on a transfer of his stock; and except as herein expressly provided, no separate tax shall be levied upon these elements of value or any of them. It shall be no ground of objection to such assessment of shares that it is entered upon the assessment book in the corporate name of the bank.

Section 3. That sub-division 9 of Section 3911 of the Code of 1896 as amended by an Act of the Legislature of Alabama entitled "An Act to better provide for the revenue of the State" approved March 5th, 1903, be and the same is hereby amended so as to read as follows: 9. Every share of any corporation organized under the laws of this State, or any other State or of the United States, (other than banks or banking associations and building and loan associations) to be assessed and collected in the County wherein such corporation has its home or chief office in this State, and to be assessed at its actual market value, to the person in whose name such shares stand on the books of the corporation, and not to the corporation. It shall be the duty of the president or chief officer of every such corporation to make out and return under oath to the assessor of the county in which the chief or home office of the corporation is located, a list showing the total number of shares of the capital stock of such corporation and the par value thereof and the full name and residence of each shareholder as far as known, the actual market value of such shares and the par value thereof, the date of the last sale of stock in such corporation, with the name of the seller and the pur-

Shares of
stock in corpo-
rations.

chaser, and the price paid for the same, the annual dividend declared on the stock of such corporation for the last three years, the value of the shares as shown by the books of the corporation and by the last report of the officers to the shareholders, the amount of the surplus; and the amount of the undivided profits not included in the surplus, and such president or chief officer shall at the same time return to the assessor a sworn statement of all taxable property, real and personal, owned by such corporation, situated in the State and the value thereof as returned to the tax assessor for taxation the same year, and thereupon it shall be the duty of the tax assessor after passing upon such assessments, to deduct from the aggregate amount or sum at which the whole of the shares are assessed the aggregate amount or sum at which the real and personal property of the corporation is returned to the tax assessor for taxation, owned by such corporation, and the residue of value remaining after such deduction shall be the assessed value of the whole of such shares, and such residue divided by the whole number of shares shall constitute the value of each share for taxation, and the corporation shall pay for the shareholders the tax assessed against his shares and the amount so paid for any shareholder shall be a lien on any interest which such share holder may have in any property owned by the corporation. If the aggregate value of the shares does not exceed the aggregate value of the real and personal property of the corporation as returned to the tax assessor for taxation, then no tax shall be demanded or collected on the shares. Provided, that no other deduction shall be made from the aggregate amount or sum at which the real and personal property of the corporation is returned to the tax assessor for taxation than is herein specifically provided for. It shall be no ground of objection to such assessment of shares that the same is entered upon the assessment books in the name of the corporation. Provided further, in

arriving at the value of the shares of stock of a corporation organized under the laws of Alabama for the purpose of conducting a fire insurance business for assessment there shall be deducted from the value of such shares, in addition to the assessed values of its property, the amount of its bonds of the State of Alabama and of the United States held by such fire insurance corporation at the time of such assessment which was held during all the six months preceding such assessment. Provided, further, that in the event of the passage of An Act at this session of the Legislature assessing the value of franchises or intangible property of corporations no shareholder of any corporation who shall pay such tax on franchises or intangible property shall be liable for the taxes specified in this sub-division.

Section 4. That section 3912 of the Code of Alabama as amended by an Act entitled "An Act to further amend the revenue laws of the State of Alabama" approved March 4th, 1901, be and the same is hereby amended so as to read as follows: That there shall also be assessed by the assessors in each county for taxation the following subjects at the following rates: 1. On the gross amount of sales at auction, made in or during the tax year preceding the assessment of, goods, wares, and merchandise owned by non-residents, each auctioneer shall be assessed and shall pay a tax of one fourth of one per cent; and a like tax on all sales made by him of property owned by citizens of this State, which have been imported into this State and sold at auction before the same has been assessed for taxes as other property; but on sales of goods, wares and merchandise and fruits, by cargo, the rate of taxation shall be one eighth of one per cent. 2. On the gross amount of commissions, or sums charged and received, during each tax year, by any factor, broker, commission merchant, auctioneer or dealer in any other kind of property, in buying or selling or for any other act in the course of their business, for a commission or compensation, by

Sales at auction.

Commissions received by broker.

Income of gas
works, water
works, etc.

bale, sack, package, article or otherwise, and on the gross receipts, during each tax year, of all grain elevators, river landings, wharves, wharf boats, stock yards, whether attached to livery stables or otherwise, at the same rate that property is taxed, but this shall not apply to banks and building and loan associations otherwise taxed. 3. On the gross income of all gas works, water works, electric light companies, telephone companies, street railways, toll bridges and ferries, and also all canals, ditches, channels, passes, tram roads, and poll roads used for transporting timber or other valuable commodities of commerce, at the rate that property is taxed. Provided, that in the event of the passage of An Act at this session of the Legislature assessing the value of franchises or intangible property of corporations no corporation which shall pay such tax on franchises or intangible property shall be liable for the taxes specified in this sub-division.

Cigar and tobacco
dealers.

Section 5. That sub-division 15 of Section 4122 of the Code of 1896 as amended by An Act of the Legislature entitled "An Act to better provide for the revenue of the State" approved March 4th, 1903, be and the same is hereby amended so as to read as follows: Cigar and tobacco stands—15. For each dealer in cigars and tobacco in towns or cities of twenty thousand inhabitants or more, ten dollars; in towns or cities of less than twenty thousand inhabitants, five dollars; provided, that in cities or towns dealers who carry an average stock of less than five hundred cigars or less than forty pounds of tobacco shall pay a license of one dollar.

Futures; dealers
in.

Section 6. That sub-division 40, of Section 4122 of the Code of 1896, as amended by an Act of the Legislature entitled "An Act to better provide for the revenue of the State" Approved March 4th, 1903, be and the same is hereby amended so as to read as follows. Futures, dealers in—40. For each person, firm or corporation engaged in the business of buying and selling futures for specula-

tion or on a commission either for themselves or for other persons, and each place of business commonly known as cotton exchanges or stock exchanges and sometimes called "bucket shops" in towns or cities of twenty thousand inhabitants or more, five thousand dollars; in towns or cities of ten to twenty thousand inhabitants, four thousand dollars; in towns or cities of five thousand inhabitants to ten thousand inhabitants twenty-five hundred dollars; in towns or cities of twenty-five hundred to five thousand inhabitants, two thousand dollars; in towns of twenty-five hundred inhabitants, or less, one thousand dollars; but this act shall not be held to legalize any contract which otherwise would be invalid.

Section 7. That sub-division 44 of Section 4122 of the Code of 1896, as amended by an Act of the Legislature entitled "An Act to better provide for the revenue of the State," Approved March 4th, 1903, be and the same is hereby amended so as to read as follows: Horse Dealers—44. For each person, firm or corporation engaged in buying, selling or exchanging horses, mules, jacks or jennets, twenty dollars for each county.

Section 8. That Sub-Division 54 of Section 4122 of the Code of 1896 as amended by an Act of the General Assembly of Alabama, entitled "An Act to further amend the revenue laws of the State of Alabama" Approved March 5th, 1901, be and the same is hereby amended so as to read as follows: Machines, Slot, 54. For each machine, such as nickle-in-the-slot, or other device of like character whether the same is charged for or not, ten dollars. This shall apply to phonographs, weighing machines, music boxes, etc. having the nickle or penny-in-the-slot device. Provided, this Act shall not apply to any device prohibited by law. Provided, further, that this license shall be due and payable by the person, owner or proprietor of the establishment, store or place of business in or at which such slot machine is located, and the State shall have a lien

upon such machine for the payment of such license which lien may be enforced by attachment.

Money lenders.

Section 9. That Sub-Division 46 of Section 4122 of the Code of 1896 as amended by An Act of the Legislature, entitled "An Act to better provide for the revenue of the State" approved March 4th, 1903, be and the same is hereby amended so as to read as follows: Money lenders—56. Every person, firm or corporation engaged in the business of lending money shall pay an annual license of one hundred dollars, and this Act shall apply to all corporations engaged in the said business whether organized under laws of this State or any other state or country, but shall not apply to banks or banking institutions regularly organized as such. Provided that the payment of a tax in one county of the State as evidenced by the license or official certificate of the judge of probate shall be sufficient.

Machine slots:
election repealed.

Section 10. That Sub-Division 56 1-2 of Section 4122 of the Code of 1896 as amended by an Act of the Legislature entitled "An Act to better provide for the revenue of the State" Approved March 4th, 1903, which reads as follows: Machine, Slot—66 1-2. "For each machine, such as nickle-in-the-slot or other device of like character whether the same is charged for or not, ten dollars. This shall apply to phonographs, weighing machines, music boxes, etc., having the nickle or penny-in-the-slot device. Provided this Act shall not apply to any device prohibited by law; provided further, that no person, firm, or corporation leasing or using machines from which the purchaser obtains the actual money value of coin or money deposited shall be required to pay more than twenty-five dollars State license in any county without reference to the number of machines; and, provided, further, that no city or incorporated town shall exact a license exceeding one-half of the license tax levied by the State. Provided, further, that said maximum license hereinabove-required may be paid by any person, firm or corporation in which event no other li-

cense tax shall be required of him or them on any machine so leased or used by such person, firm or corporation," be and the same is hereby repealed.

Section 11. Each person, firm or corporation selling or delivering sewing machines either in person or through agents and each person, firm or corporation who engages in the business of selling or delivering lightening rods, stoves, ranges, buggies or other vehicles shall pay the State twenty-five dollars annually for each county in which they may sell or deliver said articles; and for each wagon and team used in delivering or displaying the same they shall pay to the State an additional sum of ten dollars annually for each county in which they may so sell or display such articles; provided this section shall not apply to merchants selling the above enumerated articles at their regularly established places of business.

Section 11½. Every person firm or corporation engaged in the business of selling or delivering pianos or organs in this State, either in person or by agent, or consignee, shall pay an annual license of one hundred dollars for each county in which they may so sell, provided that this license shall not apply to merchants or dealers having a permanent place or places of business in this State and keeping said articles as a part or all of their stock in trade, such persons, firms or corporations having a permanent place or places of business in this State and keeping said articles as part or all of their stock in trade shall pay to the State an annual license of one hundred dollars to be paid in the counties in which such permanent place or places of business is established and the payment of such license in such counties as evidenced by the official certificate of the judge of probate shall be sufficient notwithstanding they may so sell in other counties.

Section 12. That each person, firm or corporation engaged in buying witness certificates, jury certificates, or claims against the State or county,

shall pay an annual license of twenty-five dollars in each county in which such business is done; but this shall not be held to legalize such business in any county in which the same is now or may be hereafter prohibited by law.

Soda foun-
tains.

Section 13. That every person, firm or corporation operating a soda fountain where nonalcoholic or soft drinks or beverages are dispensed shall be required to pay an annual license of five dollars.

Automobiles
for rent or
hire.

Section 14. That any person who keeps for hire or rent any automobile, locomobile or any like car shall pay a license tax to the State as follows: In towns and cities of more than thirty thousand inhabitants, fifty dollars; in towns and cities of more than fifteen thousand inhabitants, and less than thirty thousand inhabitants, thirty-five dollars; in all other cities and towns, twenty-five dollars.

Bottlers; non-
alcoholic
drinks.

Section 15. That every person, firm or corporation, engaged in the business of bottling non alcoholic, carbonated or other soft drinks, shall be required to pay to the State an annual license taxes as follows: In towns or cities of not more than 5,000 inhabitants, or within four miles thereof twenty-five dollars. And in towns of five thousand inhabitants and not exceeding twenty-thousand inhabitants or within four miles thereof, fifty dollars. And in all towns or cities having more than twenty-thousand inhabitants or within four miles thereof, one hundred dollars.

Theatres.

Section 16. That subdivision 79 of Section 4122 of the Code of 1896 as amended by an Act of the Legislature "entitled An Act to better provide for the revenue of the State" approved March 4th, 1903 be and the same is hereby amended so as to read as follows. Theatres—79. For each theatre in towns or cities containing more than twenty thousand inhabitants, one hundred dollars; for each theatre in towns or cities containing more than eight thousand inhabitants fifty dollars; this amount fifty dollars shall also be charged for license for open air

or Summer theatres, such as at Mobile on the Bay Shore, East Lake in Jefferson County and Electric Park or Pickett Springs in Montgomery County; in towns or cities containing less than eight thousand and more than three thousand inhabitants, twenty-five dollars; in towns and cities of less than two thousand inhabitants, twenty dollars; this license shall only extend to dramatic, legerdemain, acrobatic and operatic exhibitions given in the building so licensed and if any doubt arises as to the character of the entertainment proposed to be exhibited, in any theatre the judge of probate of the county in which the theatre is situated shall determine whether or not it is covered by theatrical license.

Section 17. That each person, firm or corporation, either in person or through agents, who solicits orders for the enlargement of photographs or pictures of any character, or for picture frames, whether they make charge for such frames or not; or any person, firm or corporation either in person or through agents who sells or disposes of picture frames shall pay a license tax of twenty-five dollars in each county in which they may do business; but this Act shall not apply to merchants or dealers having a permanent place of business in this State and keeping picture frames as a part or all of their stock in trade.

Section 18. That Sub-Division 82 of Section 4122 of the Code of Alabama as amended by an Act of the Legislature of Alabama, entitled "An Act to better provide for the revenue of the State" approved March 4th, 1903, be and the same is hereby amended so as to read as follows: Warehouses—82. Every person, firm or corporation, operating a warehouse or elevator for the storage and handling of cotton, shall pay an annual license tax to the State as follows: Every warehouse storing not more than ten thousand bales in any one year, Twenty-five Dollars (\$25.00); more than ten thousand and not more than twenty thousand, Fifty Dollars (\$50.00);

Enlargement
of photographs
etc.

Warehouse or
elevator.

more than twenty thousand and not more than thirty thousand bales. Seventy-five Dollars (\$75.00); more than thirty thousand bales, One Hundred Dollars (\$100.00.)

Compress. Section 19. That each person, firm or corporation owning or operating any compress for the purpose of compressing cotton shall pay an annual license tax as follows: For each compress compressing not more than fifty thousand bales, Fifty Dollars (\$50.00); for each compress compressing more than fifty thousand bales, in any one year, One Hundred Dollars (\$100.00).

Fertilizer factory. Section 20. Any person, firm or corporation owning or operating any fertilizer factory shall pay an annual license of two hundred dollars for each factory, and each fertilizer mixing plant or factory, shall pay an annual license of ten dollars.

Cotton seed oil mill. Section 21. That any person, firm or corporation operating any cotton seed oil mill, cotton mill or cotton factory, shall pay an annual license fee, of ten dollars, where the investment for plant and fixtures is less than \$20,000; on each and every plant where the investment is over twenty thousand dollars and less than fifty thousand dollars, thirty dollars; on each and every plant where the investment is over fifty thousand dollars and under one hundred thousand dollars, fifty dollars; on each and every plant where the investment is over one hundred thousand and under five hundred thousand dollars, one hundred dollars; on each and every plant over five hundred thousand dollars and under one million dollars one hundred and fifty dollars; on each and every plant where the investment is over one million dollars, \$200.

Cider. Section 21½. That all retailers of drinks, known as ciders, be charged a retail license of twenty dollars for the State and ten dollars for the county, and any person dealing in said drinks, who shall sell, barter or exchange or in any way dispose of or permit to be taken any cider in a quantity less than one quart or who shall

permit the same to be drunk by the glass or single drink in or about his place of business shall be declared a retail dealer, provided that the provisions of this act shall not apply to pure apple or peach ciders.

Section 22. That the Auditor is hereby required to prepare tax receipts for taxes generally in receipt books with stubs attached, affixing his signature thereto, and furnish the same in sufficient numbers to the tax collectors of the respective counties, they counter-signing such receipts and it shall be the duty of the tax collector where the taxes shall have been collected, to file such stubs in the Auditor's office, whose duty it shall be to compare the same with reports made by the tax collector, and then return same to the judge of probate of the respective counties where they originated.

State auditor
to prepare tax
receipts.

Section 23. That the State of Alabama shall have a lien superior to all other liens upon the goods, wares and merchandise used in any business for doing of which a license is required by the State of Alabama which said lien may be enforced by attachment.

Lien of State.

Section 24. That this Act shall take effect from and after its passage and approval.

Effect.

Section 25. This Act shall be incorporated in and made a part of the Code to be adopted by the Legislature.

Act to be in-
corporated in
Code.

Approved March 7, 1907.

No. 346.)

AN ACT.

(H. 491.

To fix and provide for the salaries of city officers in the cities of the State of Alabama, having a population of over twenty-five thousand inhabitants.

Section 1. *Be it enacted by the Legislature of Alabama,* That the salaries of mayors in all cities in the State having over twenty-five thousand population, according to the next preceding fed-

Salaries of of-
ficers in cities
over twenty-
five thousand
inhabitants.

eral census, shall not exceed the sum of five thousand dollars per annum, payable in monthly installments out of the treasury of the said cities, to be fixed by the city council or other governing bodies of said cities, and that the salaries of all other officers of such cities shall be fixed by the city council or other governing body of said cities; provided, however, that this act shall not authorize the payment of any alderman or councilman of any salary, and provided further, that where there is a salary limit of such officers of said cities provided in the charter or laws governing the same, that the same shall not be altered or changed above such salary limit except by a two-thirds vote of all the members elected to said city council or other governing body of such cities, and by and with the consent of the mayor. Provided further, that no officer of any municipality shall during his term of office be employed professionally or otherwise by any corporation holding or operating a franchise granted by the city or the State involving the use of the streets of the municipality.

Repeal.

Sec. 2. That all laws and parts of laws, general, local, or special, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved March 7, 1907.

No. 347.)

AN ACT.

(H. 243.

To enlarge the insurance laws of the State.

Live stock insurance companies.

Section 1. *Be it enacted by the Legislature of Alabama*, That in addition to the laws now of force companies or mutual associations of persons at least two of whom shall be citizens of the State may be formed and incorporated for the purpose of carrying on the business of insuring the health and lives of horses, mules, and cattle or other domestic live stock under the rules and

regulations now provided by law, and such by-laws as such companies and associations may make and publish before beginning such business; provided, however, that they are not in conflict with existing law. "And provided further, that such companies or associations shall not have power to issue policies, or make contracts of insurance until same shall have filed with the State insurance commissioner a certified copy of its articles of incorporation, accompanied by a statement in due form, showing the place where is located its principal office and a list of the names and post-office addresses of at least twenty-five bona fide subscribers to membership in such corporation or association, no one of which shall be worth less than one thousand dollars in taxable property and shall have been regularly licensed by the State insurance commissioner, to enter on such business.

Statement to be filed with insurance commissioner; contents of.

Sec. 2. That before beginning such business of insuring live stock any company or association formed or organized therefor must have not less than six thousand five hundred dollars of capital stock and fifty per cent thereof shall be paid in cash before such company or association shall begin the business of insuring, they shall deposit with the insurance commissioner two thousand dollars. And shall pay to the insurance commissioner in advance a license fee of twenty dollars annually as a privilege tax for doing business.

Amount of capital stock and deposit with insurance commissioner required.

License fee.

Sec. 3. That every such company or association shall on or before the first day of March of each year file with the insurance commissioner a report of its operations during the preceding calendar year, including the number of existing policy holders, the aggregate amount of outstanding policies the total amount of expenditures and receipts, and the aggregate amount of the assets of the company or association, and shall pay to the insurance commissioner a tax of one per cent. on net premiums received in this State during the preced-

Report required to be filed annually with Insurance Commissioner; contents of.

Tax on net premiums.

Failure to
make report;
not licensed.

Penalty for is-
suing policy
without li-
cense.

ing calendar year, meaning gross premiums, less return premiums, provided that any company paying to the State a tax on its property or shares may deduct such amount so paid from the one per cent tax herein provided.

Sec. 4. Any company or association failing or refusing to make such report, and pay such taxes as provided by this act shall not be licensed by the insurance commissioner, and any company or association issuing certificates or policies without such license, may be enjoined by the insurance commissioner or by any citizen, in a court of competent jurisdiction from issuing certificates or policies, and upon such injunction being made permanent, any officer or agent of such company or association, upon conviction of issuing, or pretending to issue any such certificate or policy thereafter shall be fined not less than ten nor more than one hundred dollars, or may be imprisoned not less than ten nor more than one hundred days for each such offense, or both at the discretion of the court.

Approved March 12, 1907.

No. 312.)

AN ACT.

(S. 207.

To amend an act approved March 4th, 1903, entitled an act to create a text book commission, and to procure for use in the public free schools in this State, a uniform series of text books; to define the duties and powers of said commission and other officers, to make an application for carrying into effect of this act; to provide punishment and penalty for the violation of the same.

Act amended. Section 1. Be it enacted by the Legislature of Alabama, That section 22 of said act, approved March 4, 1903, be amended so that it will read as follows: Section 22. Be it further enacted, that

the adoption made as provided for in this act shall continue for five years from the date of such adoption, provided the provisions of this act shall not apply to those counties who have adopted a uniform system of text books for the public schools, and have contracted for a supply of such text books until Sept. 1, 1908, unless they see fit sooner to accept the provisions of this act, and provided further, that no new contract shall be made after the passage of this act by any county board of education, or by the board of education of any city or town in this State.

Adoption; duration of.

Exceptions.

Approved July 11, 1907.

No. 349.)

(H. J. R. 223.

JOINT RESOLUTION

Of the Legislature of Alabama to give assent to the purposes of the grant made, by the act of Congress, "To provide for an increased annual appropriation for the agricultural experiment station in connection with the land grant colleges."

Whereas, the Congress of the United States having passed an act, approved March 16th, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof; and, whereas, this grant of money was made subject to legislative assent of the several States and territories to the purpose of said grant.

Therefore, be it resolved by the House of Representatives of the Legislature of Alabama, the Senate concurring, that the assent of the Legislature of Alabama is hereby given to the purposes of the grant made in said act of Congress; and that the trustees of the Alabama Polytechnic Institute, at Auburn, are hereby authorized and directed to comply with the terms and conditions expressed in the act aforesaid.

Approved, July 13, 1907.

No. 350.)

WHEREAS,

(S. J. R. 57.

The streams of Alabama have been depleted of fish on account of inadequate laws in the past to restrain the reckless hand of those who persisted in seining, netting and dynamiting the fish of Alabama, and, since this Legislature has enacted ample statutes to protect the streams of this State in the future from the ravages formerly visited on our supply of fish and has inaugurated a warden system to vigilantly enforce these laws;

Fish hatchery.

Therefore, be it resolved by the Senate, the House concurring, that Congress be, and the same is hereby memorialized to establish a fish hatchery in Alabama, to the end that our streams may receive more attention in the future, and that they may be restocked with fish adaptable to our waters;

Resolution
sent to Ala-
bama Sena-
tors and
Representa-
tives.

Resolved further, that a copy of this resolution be forwarded by the Secretary of State to each of the United States Senators from Alabama and to each Alabama member of the House of Representatives.

Approved, July 13, 1907.

No. 352.)

AN ACT.

(S. 233.

To fix the time for holding the Circuit Court of Randolph County, and to fix the term for the same.

Time for hold-
ing court.

Section 1. Be it enacted by the Legislature of Alabama, That the circuit court shall be held at Wedowee in the county of Randolph on the third Monday in February and the third Monday in August of each year and shall continue for two weeks at each term.

Approved, July 13, 1907.

No. 355.) WHEREAS, (H. J. R. 224.

Grave charges are being made against the management of the Alabama Insane Hospital at Tuscaloosa, and, whereas, said charges are made that the inmates of said hospital are allowed to be cruelly beaten and punished by nurses of said institution, and, whereas, the further charge is made that the inmates of said hospital are not given sufficient food and are otherwise mistreated, and, whereas, the inmates of this institution should be the recipients of our constant solicitude and care, and whereas, the fair name of our State is involved in the humane and proper management of this institution; Now, therefore, be it resolved by the House, the Senate concurring, that a committee of three from the House to be appointed by the Speaker and two from the Senate to be appointed by the President of the Senate, be authorized to make an investigation of these charges against said institution and report their findings to the Legislature at its present session.

Approved, July 13, 1907.

No. 356.) RESOLVED, (H. J. R. 217.

By the House, the Senate concurring, that the capitol commission are hereby authorized, to have a passenger elevator, constructed and placed in the front hall of the capitol, by the time the Legislature re-assembles in July next.

Approved July 17, 1907.

No. 357.) RESOLVED, (H. J. R. 212.

By the house of representatives, the senate concurring therein, That the governor be requested by the legislature to pay such funeral expenses

Elevator for capitol.
Funeral expenses Wm. L. Martin.

of the late Wm. J. Martin, speaker of the house of representatives, as meet his approval out of the contingent fund subject to his disposal and report the same to the two houses after the recess.

Approved July 17, 1907.

No. 358.)

AN ACT.

(H. 692.

To amend sections 6, 9, 10, 16, 17, 19 and 20. of an act entitled "An act to provide for the re-districting of the public schools of the State and for the management and control of the same," approved September 30, 1903. Be it enacted by the legislature of Alabama :

Section 6
amended.

District trustees.

Section 1. That section 6 of an act entitled "An act to provide for the re-districting of the public schools of the State, and for the management and control of the same," approved September 30, 1903, be and the same is hereby amended so as to read as follows: That on the first Saturday in July, 1908, and each fourth year thereafter at an hour to be fixed and appointed by the county superintendent of education of each county and to be uniform throughout the county, after notice has been given thereof by the county superintendent of education by publication in a newspaper published in said county for three successive weeks, (the expenses to be paid out of the county treasury), and if there be no newspaper published in the county, then by written notice sent to each of the chairmen of the boards of district trustees in such county, the qualified electors of each public school district shall meet at the district school house and elect from among the free holders and house holders who can read and write residing in such districts, a local board of three district trustees whose duty shall be as hereinafter provided. The chairman, or in his absence, a member, of the

board of district trustees shall preside over such meeting and shall certify to the county superintendent of education the result of the election held thereat which certificate must show the names of the district trustees elected at said meeting for the district and said certificate must be filed with the county superintendent of education within five days after such meeting and election; provided, however, that in the event the chairman or other member of such board of district trustees should not be present at the time fixed for said meeting, or being present should wilfully fail or refuse to call said meeting to order or to preside over the same, then the qualified electors of such district assembled may choose from among their number a person to preside over such meeting, and such person shall be fully authorized to so preside and to make the certificate of election of district trustees had at such meeting and to file the same as hereinabove provided. Any qualified voter of such district may within ten days after the holding of such election, contest the election of any person or persons shown to be elected by said certificate, by filing a contest in writing with the county superintendent of education and addressed to the county board of education stating therein the grounds for such contest, and it shall be the duty of the county board of education upon notice to them by the county superintendent of education of the filing of such contest, to meet and hear and determine such contests within twenty days from the holding of the election. And it shall be the duty of the county superintendent of education upon the filing of all such contests to immediately notify in writing such person whose election is contested, of the filing of the same and of the date and place where such contest shall be heard. Such district trustees shall hold office for the term of four years from the time of their election and until their successors are elected and qualified.

Term of office.

Section 2. That section 9 of said act shall be and the same is hereby amended so as to read as

Section 9
amended.

Duties of trustees.

follows: It shall be the duty of said district trustees to care for all school property, nominate teachers for their school districts, such nomination to be subject to the approval of the county board of education, the contract to teach to be made with said county board of education, to visit the schools within their respective districts, observe the management of the same, to make quarterly reports of the condition of such school to the county superintendent of education, and to perform such other duties as may be required by the county board of education hereinafter provided for; provided that if said district trustees shall fail or refuse for a period of 30 days after required in writing by the county board of education, to nominate and submit for approval a teacher or teachers for their district, or for such period after so required in writing, shall fail or refuse to perform any of duties required of them under this act, then and in such event, the county board of education shall be authorized to perform any such duties, (including the nomination and employment of teachers in lieu of said district trustees) wherein they have failed to perform them.

Section 10 amended.**County trustees.**

Section 3. That section 10 of said act shall be and the same is amended so as to read as follows: The chairman of the several boards of district trustees shall meet at the courthouse in their respective counties on the second Saturday in August after their election and shall elect four county trustees who shall hold office for a term of four years from the date of their election and until their successors are elected and qualified. Before entering upon the duties of office they shall take the oath of office prescribed by the constitution of the State. The county superintendent of education and said four county trustees shall constitute the county board of education within their respective counties. The county superintendent of education shall be the chief executive officer of said county boards of education, and shall see that all the rules, regulations

County board of Education.

and orders of said county boards are enforced; provided, however, that no district trustee, during the term of office for which he was elected "shall be eligible to election as a county trustee" nor shall more than one teacher actively engaged in teaching in the public schools in this State be a member of said county board of education at one and the same time. The court of county commissioners or board of revenue of each county shall provide at the expense of the county, all necessary blank books, stationery and postage for the use of the county boards of education of the county.

Section 4. That section 16 of said act shall be and the same is amended so as to read as follows: The lines and boundaries of any public school district heretofore established by general law or any special law, may be changed, or a new public school district may be created by the vote of a majority of the county board of education, upon application to said board, and after notice of said application and of the time and place of hearing the same has been given by publication for three successive weeks in some newspaper published in said county (if a newspaper be published therein) and by posting written notices in at least three public places in the territory to be effected by said change. Said publication and notice shall be made and given by the county superintendent of education and the person or persons making the application for such change shall deposit with him a sum of money sufficient to pay the expenses of said publication and notices, such sum of money to be expended by him for that purpose. And whenever the boundaries of any public school district are changed by the county board of education or a new public school district, shall be created by said board under this section, it shall be the duty of the county superintendent of education within ten days after such change, or the creation of such district, to file in the office of the judge of probate of his county, an accurate description of such change,

Section 16
amended.

District lines
and bounda-
ries.

or of the district so created, and it shall be the duty of the judge of probate to record the same in the book kept by him under section 5 of this act. The change of the lines or boundaries of any public school district or the creation of a new district under this section may also be made by adding to or taking from any district composed of an incorporated city or town such contiguous territory as such board may deem best.

Section 17
amended.

Vacancies;
how filled.

Section 5. That section 17 of said act be and the same is hereby amended so as to read as follows: That any vacancy on the county board of education shall be filled by the superintendent of education of the State by and with the consent and approval of the governor, for the unexpired term and any vacancy on a board of district trustees shall be filled for the unexpired term by the county board of education.

Section 19
amended.

Counties to
which act does
not apply.

Section 6. That section 19 of said act, be and the same is hereby amended so as to read as follows: The provisions of this act shall not apply to any county heretofore districted by authority of a special law, and which has a special levy from the county for the support of the public schools therein.

Section 20
amended.

Separate
school dis-
tricts.

Incorporated
cities, etc.

Section 7. That section 20 of said act be and the same is hereby amended so as to read as follows: That each incorporated city or town in this State is hereby created a separate school district. In all municipalities where there is a board of education, the board shall have full charge and control of such separate school districts, and shall have and exercise all the powers and authority conferred by law upon township trustees. In municipalities where there is no such board of education, the powers and duties of trustees shall devolve upon and be performed by the mayor and board of aldermen, or other governing body of said municipality, and all funds due such separate school districts shall be paid to the board of education of such separate school district or to the mayor, board of aldermen or other governing body of such municipal-

ity, where there is no such board of education, by the county superintendent of education as required by law.

Approved July 17, 1907.

No. 361.) AN ACT. (S. 221.

To amend section seventeen of an act to establish a uniform system for the examination and licensing of teachers of public schools, approved February 10, 1899; amended February 8, 1901.

Section 1. Be it enacted by the legislature of Alabama, That section seventeen of an act to establish a uniform system for the examination and licensing of teachers of public schools be amended so as to read as follows: Section 17. Be it further enacted, That whenever any teacher applying for a certificate shall make proof that he has been engaged for six years in teaching under first grade certificates, which proof the county superintendent of education shall transmit to the State board of examiners, and shall show a high degree of proficiency and professional attainment, such teacher may be granted a life certificate, signed as prescribed for other certificates; provided, that any teacher holding a life certificate shall forfeit the same by leaving off the business of teaching for five consecutive years. ^{Life certifi-}
^{cate.} ^{When}
^{forfeited.}

Approved July 17, 1907.

No. 362.) AN ACT. (S. 118.

To amend an act entitled an act to better provide for the revenue of the State, amending subdivision two of section 3907 of the code, approved March 4, 1903. ^{Act amended.}

Property ex-
empt from
taxation.

Section 1. Be it enacted by the legislature of Alabama, That sub-division two of section 3907 of the code as amended by the legislature, approved March 4, 1903, be and the same is hereby amended so as to read as follows: All bonds of the United States and of this State; all property, real and personal of the State, and of the county and municipal corporations in the State; all cemeteries (but where cemeteries are owned, held and lots sold therein for profit the same shall not be exempt) and all lots in incorporated cities and towns, or within one mile of any city or town, to the extent of one acre, and all lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when the same are owned and used exclusively for religious worship, educational or purely charitable purposes; all school furniture and personal property used exclusively for school purposes; and all property real and personal to an extent not exceeding twenty-five thousand dollars in value, that may be used exclusively for agricultural or horticultural associations of a public character, or for the maintenance and education of young men preparing for the ministry in any church or religious association.

Approved July 17, 1907.

No. 363.)

WHEREAS. (H. J. R. 255.

Election of
United States
Senator to
succeed Hon.
John T. Mor-
gan.

The legislature of Alabama has legal notice of a vacancy in the representation of the State in the senate of the United States caused by the death of Senator John T. Morgan; now, therefore, in conformity with the law in such cases, Be it resolved by the house of representatives, the senate concurring, that on Tuesday, July 16th, 1907, at 12 o'clock m., being the second Tuesday after the organization of the legislature and notice of the vacancy, each house shall openly by a viva voce vote of each member present

name a person for senator in congress from the State of Alabama to fill the vacancy. That on Wednesday, July 17th, 1907, at 12 o'clock meridian, the members of the two houses convene in joint assembly in the hall of the house of representatives and declare the election as senator of the person who shall receive a majority of all the votes in each house.

Approved July 17, 1907.

No. 364.)

AN ACT.

(H. 827.

For the relief of Mrs. Leanna J. Humble, a resident of DeKalb county, indigent widow of David Humble, who was a confederate soldier, and a citizen of DeKalb county, Alabama, at the time of his death, making her a confederate pensioner under the act of the general assembly of Alabama, approved the 10th day of Feb., 1899, and entitled "An act for the relief of needy confederate soldiers and sailors, resident citizens of Alabama, and their widows."

Sec 1. Be it enacted by the legislature of Alabama, That Leanna J. Humble, a resident citizen of DeKalb county, indigent widow of David T. Humble, who was a confederate soldier and a citizen of DeKalb county at the time of his death is hereby made a pensioner under an act of the general assembly of Alabama, approved on the 10th day of Feb., 1899, and entitled "An act for the relief of needy confederate soldiers and sailors, resident citizens of Alabama, and their widows." Party made pensioner.

Sec. 2. Be it further enacted, That the auditor of Alabama, be and he is hereby directed and empowered to record the name of Mrs. Leanna J. Humble on the State records of confederate pensioners, kept by him under said act mentioned in sec. 1 of this act, and she shall receive a pension Name placed on pension roll.

under said act approved Feb. 10th, 1899, as other pensioned widows of confederate soldiers do, and she shall be placed as number four and receive the amount each year that pensioned widows of the fourth class receive.

Auditor to draw warrant. Sec. 3. Be it further enacted that at the time the auditor of Alabama draws his warrants on the treasurer of Alabama for the amounts due confederate pensioners of DeKalb county under said act approved Feb. 10th, 1899, he shall also draw his warrant on the said treasurer in favor of said Leanna J. Humble for the amount due other pensioned widows of the fourth class under said act approved Feb. 10th, 1899, and forward said warrant to the judge of probate of DeKalb county, as other warrants for confederate pensioners are forwarded, and said judge of probate shall receipt for and deliver said warrant as other confederate pension warrants are receipted for and delivered, and Leanna J. Humble shall be treated in all respects as other pensioned widows of the fourth class under the laws of Alabama.

Approved July 17, 1907.

No. 378.)

RESOLVED, (H. J. R. 266.

Hospital committee to employ stenographer. By the legislature of Alabama, That the joint committee of the legislature appointed to investigate the conduct of "The Alabama Insane Hospital" are authorized to employ a competent stenographer and instructed to proceed with the investigation as speedily as possible, and, to enable them to do so, leave to sit during the session of the legislature is hereby granted. That the committee shall have the power to send for persons and papers, and to swear and examine witnesses, and must make report to the legislature of Alabama not later than the forty-fifth legislative day.

Approved July 19, 1907.

No. 379)

AN ACT.

(H. 675.)

To provide for the relief of D. F. Brannan of Mobile county.

Whereas, D. F. Brannan did purchase from the State of Alabama on the 11th day of October, one thousand eight hundred and ninety-three the southwest quarter of the southwest quarter of section No. 28 of township No. 4, south and range No. 4 west, in the county of Mobile and paid therefor the aggregate sum of thirty and 12-100 dollars; and whereas, the State of Alabama on the date of said sale had no title to said land, the title to the same at that time being in the United States government, and said land was subsequently homesteaded by one Sidney Southerland and the said Brannan was thereby caused to lose said land on account of the State having no title thereto: Therefore,

Section 1. Be it enacted by the legislature of Alabama, That an appropriation of thirty and 12-100 dollars be and the same is hereby made for the relief of said D. F. Brannan for the amount of money paid out by him to the State of Alabama in the purchase of the southwest quarter of the southwest quarter of section twenty-eight (28), township four (4), south range four (4) west, in the county of Mobile to which the State had no title at the time it sold the same to said Brannan.

Section 2. Be it further enacted, That the amount of money named in the foregoing section shall be paid out of any fund in the treasury not otherwise appropriated, and that the auditor be and he is hereby authorized to draw his warrant on the treasurer for the amount named in said section one of this act in favor of said D. F. Brannan.

Approved July 19, 1907.

No. 380.)

AN ACT.

(H. 135.

To prohibit the shipment, transportation, delivery or soliciting of orders for the sale of any spirituous, vinous, malt or intoxicating liquors, beverages or bitters into any prohibition district in the State of Alabama. Be it enacted by the legislature of Alabama:

Unlawful to
accept for
shipment.

Section 1. It shall be unlawful for any person, firm or corporation to accept for shipment, transportation or delivery any spirituous, vinous, malt or intoxicating liquors, beverages or bitters to any person, firm or corporation in any prohibition district in the State of Alabama, or at any point or place in said State where the sale of spirituous, vinous, malt or intoxicating liquors, beverages or bitters are prohibited by law.

Unlawful to
deliver.

Sec. 2. It shall be unlawful for any person, firm or corporation to deliver any spirituous, vinous, malt or intoxicating beverages or bitters, the sale of which is prohibited by law, within any prohibition district in the State of Alabama, except as may be authorized by this act, or the interstate laws of the United States

Unlawful to
solicit orders.

Sec. 3. It shall be unlawful for any person, firm or corporation to go into any prohibition district and there solicit orders for the sale or delivery of any spirituous, vinous, malt or intoxicating liquors, beverages or bitters, the sale of which are prohibited by law, whether the same are to be shipped from any point within or without the State of Alabama.

Interstate
laws not
affected.

Sec. 4. No provision of this act is intended or shall be construed to violate or be in conflict with any provision of the interstate laws of the United States, nor is it intended nor shall any provision of this act be construed so as to prevent or prohibit individuals from bringing into prohibition districts upon their person, or as their personal baggage, for their private use, such liquors, beverages or bitters included within this act, in quantities not to exceed one gallon, nor shall the pro-

visions of this act apply to licensed physicians ^{Physicians and druggists.} or druggists, to whom any public carrier may deliver pure grain alcohol in unbroken packages in quantities not to exceed five gallons at any one time.

Sec. 5. A prohibition district within the mean- ^{Prohibition district, meaning of.} ing of this act is any district or territory within the State of Alabama in which the sale of spirituous, vinous, malt or intoxicating liquors, beverages or bitters is prohibited by law.

Sec. 6. Any person, firm or corporation violating any of the provisions of this act shall be ^{Penalty for violation.} guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Sec. 7. The provisions of this act shall be effective on and after January 1st, 1908. ^{Effect.}

Sec. 8. If any section or provision of this act shall be held to be void or unconstitutional, it ^{Invalidity of section inoperative as to act.} shall not effect or destroy the validity or constitutionality of any other section or provision of such act which is not, of itself, void or unconstitutional.

Sec. 9. All laws and parts of laws in conflict ^{Repeal.} with the provisions of this act are hereby repealed.

Approved July 19, 1907.

No. 382.)

AN ACT.

(H. 224.)

To repeal an act entitled an act to increase the jurisdiction of justices of the justices of the peace in Marion and other counties, approved February 13th, 1891, so far as the same relates to Marion county.

Section 1. Be it enacted by the legislature of ^{Act repealed.} Alabama, That an act entitled an act to increase

the jurisdiction of justices of the peace, in Marion and other counties, approved February 13th, 1891, be and the same is hereby repealed so far as the same relates to Marion county, Alabama.

Approved July 19, 1907.

No. 388.)

AN ACT

(S. 440.

To appropriate the sum of thirty (\$30.00) dollars for the relief of I. Moody, as a confederate pensioner for the year 1906, his name having been erroneously omitted from the pension roll, and to re-instate him upon the pension roll of Pike county as a pensioner under the act for the relief of needy confederate soldiers and their widows, approved Feby. 10th, 1899. Be it enacted by the legislature of Alabama:

Amount appropriated.

Section 1. That the sum of thirty (\$30.00) dollars is hereby appropriated for the benefit of I. Moody as a confederate pensioner for the year 1906, his name having been erroneously omitted from the pension roll of Pike county for said year 1906; and the State auditor is hereby authorized and directed to draw his warrant for the said sum of thirty dollars upon the State treasurer in favor of the said I. Moody and the State treasurer is hereby authorized and directed to pay the same out of any money in the treasury.

How paid.

Name restored to roll.

Section 2. That the name of I. Moody be and the same is hereby restored to the pension roll of Pike county as a confederate pensioner, and the probate judge of Pike county and other pension officers are hereby directed to place the name of said I. Moody upon the pension roll as a confederate pensioner from Pike county, Alabama.

Approved July 23, 1907.

No. 389.)

AN ACT.

(S. 439.)

To appropriate the sum of thirty (\$30.00) dollars for the relief of C. R. Gibson as a confederate pensioner for the year 1906, his name having been erroneously omitted from the pension roll as being dead, and to re-instate him upon the pension roll of Pike county as a pensioner under the act for the relief of needy confederate soldiers and their widows, approved Feby. 10, 1899.

Section 1. Be it enacted by the legislature of Alabama, That the sum of thirty (\$30.00) dollars is hereby appropriated for the benefit of C. R. Gibson as a confederate pensioner for the year 1906, his name having been erroneously omitted from the pension roll of Pike county for said year 1906; and the State auditor is hereby authorized and directed to draw his warrant for the said sum of thirty dollars upon the State treasurer in favor of the said C. R. Gibson and the State treasurer is hereby authorized and directed to pay the same out of any money in the treasury.

Amount appropriated.

How paid.

Section 2. That the name of C. R. Gibson be restored to the pension roll of Pike county as a confederate pensioner, and the probate judge of Pike county and other pension officers are hereby directed to place the name of said C. R. Gibson upon the pension roll as a confederate pensioner from Pike county, Alabama

Name restored to roll.

Approved July 23, 1907.

No. 290.)

AN ACT.

(S. 445.)

To fix and provide for the salary of the judge of the city court of Selma.

Section 1. Be it enacted by the legislature of Alabama, That from and after the passage and salary.

Amount of salary.

How paid.

approval of this act, the judge of the city court of Selma, shall receive as salary the sum of thirty-two hundred and fifty dollars per annum; of this sum, there shall be paid from the treasury of the State to the said judge the sum of twenty-seven hundred and fifty dollars, at the same time and in the same manner as circuit judges are paid. The balance of said salary shall be paid out of the county treasury of Dallas county.

Approved July 23, 1907.

No. 391.)

AN ACT.

(S. 482.)

To regulate the practice in the circuit court of Walker county, Alabama, to provide rules of practice for said court; and to provide for drawing juries for said court.

Civil cases
commenced by
summons and
complaint.

Cases at law.

Section 1. Be it enacted by the legislature of Alabama, That in all civil cases commenced in said court by summons and complaint the defendant shall be required to appear and demur or plead to the complaint within thirty days after the service of the summons and complaint upon him, whether such service be in term time, or vacation; and in all cases at law commenced by attachment, the defendant shall appear and demur or plead within thirty days after the levy of attachment and service of notice thereof, or in case the suit is against a non-resident or other person upon whom service may be had by publication, within thirty days after service is perfected by such publication; and in all cases at law the defendant must appear or plead and demur within thirty days after perfection of such service upon him; and in all cases at law, whether commenced by summons and complaint, attachment or otherwise, the defendant failing, for more than thirty days after service has been perfected upon him, to appear and demur or plead shall be held to be in default, and at any time thereafter judgment by default, on motion of the

plaintiff may be rendered against him; provided, however, that the court may, for good cause shown, allow such judgment so obtained by default, to be set aside, and demurrers or pleas to be filed on such terms as the court may think just; but no application to set aside such judgment unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court unless accompanied by an affidavit by the defendant, or his agent or attorney, to the effect that in the belief of the affiant the defendant has a lawful defense to such suit.

Section 2. That all garnishments issued from said court shall require an answer thereto within thirty days after the service thereof; and upon a failure of any garnishee to make answer within thirty days he shall be deemed in default and a judgment *nisi* may be rendered against him on motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment *nisi*, and unless otherwise ordered by the court, all citations, rules, writs of *scire facias* and notices issuing from said court shall require the party against whom they are issued to appear and plead within thirty days after the service thereof; if the citations and notices are to be given by publication within thirty days after the perfection or service by publication; and all cases whether commenced by summons and complaint, attachment or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant and his pleading, or if he does not appear within thirty days after the perfection of service upon him at the end of such thirty days.

Section 3. That all original and mesne process, notices, citations, and writs of *scire facias*, shall be executed ^{Writs, executed instan-} ~~instantly~~, and, unless otherwise provided by law, shall be returnable immediately upon the execution thereof by the officer, executing the same, and all executions, writs of *fieri facias*, and writs of venditioni exponas, issuing from said court shall be made returnable ninety days after the issue thereof.

Cases on ap-
peal to.

Section 4. That all cases brought by appeal or *certiorari* from justices of the peace or inferior courts to said court, shall stand for trial when reached on the regular call of the docket at any time after thirty days notice of the taking of such appeal shall have been given to the adverse party, as required by law.

Bills of ex-
ceptions.

Section 5. That all bills of exception relating to the trial of causes civil and criminal in said court, must be signed by the presiding judge of said court within thirty days after the day on which the issue or issues of fact to which said bill of exceptions relates was tried unless the time of signing such bill of exceptions is extended by agreement of parties or by orders of the presiding judge as now authorized by law, respecting the signing of bills of exceptions in the circuit court.

Final judg-
ments and
decrees.

Section 6. That final judgments and decrees rendered in said court shall, after the expiration of thirty days from their rendition, be taken and deemed as completely beyond the control of the court, as if the term of said court at which said judgments and decrees are rendered, ended at the end of said thirty days; provided, however, that nothing herein contained shall prevent parties from applying for a new trial or rehearing within said thirty days; destroy or change the effect of motions for new trials or rehearings when so made, or shall prevent parties applying to said court for a rehearing under the statute authorizing applications for rehearing in the circuit court or shall prevent the court from retrying any cause under section 4341 of the code of Alabama, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final decrees and judgments.

Witnesses.

Section 7. That all the witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify, and unless they prove their attendance within that time, their fees shall not

be taxed as costs, nor shall they be recoverable against either party.

Section 8. That after ten days from the rendition of any judgment or decree unless otherwise directed in said judgment, the clerk or register of said court shall issue execution, returnable, as hereinbefore provided; provided, however, that nothing herein contained shall prevent any person from having execution issued within ten days, upon making affidavit as now provided by law, in relation to the issue of executions upon judgments in the circuit court; and provided further, that nothing herein contained shall prevent the superseding of execution after the issue thereof upon filing affidavit as now required by law. Executions.

Section 9. On the next day after the adjournment of the last regular term of the court of county commissioners or session of the board of revenue held in each year, or as soon thereafter as practicable, the commissioners must proceed to draw from the jury box a grand jury for two regular terms of the circuit court to be held for the next ensuing year at such time as may be prescribed by the judge of said court not less than fifteen nor more than twenty-one persons for each grand jury, to be composed of persons duly qualified to serve as grand jurors; and next, the names of the requisite number of persons to serve as petit jurors for each term of the circuit court, allowing not more than thirty-six nor less than thirty persons for each week of the terms prescribed by law, during which, in the opinion of the judge of the court, a jury shall be required; and the juries for each week shall be drawn separately and successively, and every piece of paper upon which is written the name of the person so drawn must be destroyed. The judge, in writing, shall prescribe the number of weeks for which petit jurors shall be drawn. Juries.

Section 10. That whenever for any cause, a jury, grand or petit, shall be quashed by the court, shall fail to have been drawn or summoned, etc.

ed, or if drawn and summoned shall fail to attend, or if for any other cause, there should be no grand or petit jury in attendance on said court, the court may forthwith order the sheriff to summon from the qualified citizens of Walker county a jury or juries to serve for the time specified or ordered by the court; and such jury so summoned shall be competent and valid to try all causes pending in said court and perform all other duties as if such jury were regularly drawn and summoned for said court.

Pleadings.

Section 11. The court may, by rules, prescribe the time in which the pleadings in causes may be settled.

Rules of practice and proceeding.

Section 12. The judge of said court shall have power to make and adopt such rules of practice as may, in his judgment, be required by a proper system of practice for said court; to amend same as may appear expedient; and said rules shall be entered upon record on the minutes of the court.

Repeal.

Section 13. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved July 23, 1907.

No. 384.)

AN ACT.

(H. 964.)

To amend sections 5 and 15 of an act entitled "An act to establish the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for the selection of its officers, prescribe their powers, duties, compensation and term of office, fix the time of holding said court, and provide for fees, commissions, fines, forfeiture and juries in said court, provide for supplies for said court and repeal conflicting laws," approved the 5th day of March, 1907.

Section 1. Be it enacted by the legislature of Alabama, That section 5, of an act entitled "An act to establish the Lee county court of law and equity, prescribe its jurisdiction and powers, its rules of practice and procedure, provide for the selection of its officers, prescribe their powers, duties, compensation and term of office, fix the time of holding said court, and provide for fees, commissions, fines, forfeiture and juries in said court, provide for supplies for said court, and repeal conflicting laws," be and the same is hereby amended so that it shall read as follows: "Section 5. That said court shall be held in the court house of Lee county; that the office of the judge of said court, the office of the clerk and register of said court and the office of the solicitor and all the records of said court shall be in the court house of Lee county, in the city of Opelika. Said court shall hold two regular terms in each year as follows: The first shall begin on the second Monday in January and may continue until the third Saturday in June and the second term shall begin on the fourth Monday in July and may continue until the second Saturday in December of each year; Provided, that the first term of court to be held under this act shall begin on the fourth Monday in July, 1907. The court may, during the regular terms thereof, take such temporary recesses as shall be by the judge of said court be deemed proper and expedient. The judge of said court, is hereby authorized and empowered, from time to time and in his discretion, by orders entered on the minutes of the court, to fix the time and manner of holding the sessions of said court; to designate a week or weeks for the settling of pleadings in civil cases at law, a separate week or weeks for the trial of equity cases, a separate week or weeks for the trial of civil cases at law in which a trial by jury has been waived, a separate week or weeks for the trial of civil cases at law in which a trial by jury has been demanded, a separate week or weeks for the trial of criminal or quasi criminal cases; and to prescribe the par-

Section 5
amended.

Where court
held, etc.

Terms of.

Section 15
amended.

Juries.

ticular weeks of the term for which petit juries shall be summoned.

Section 2. That section 15 of said act be amended so as to read as follows: Section 15. That except as otherwise herein provided, the selection, drawing, summoning and empaneling both regular and special juries, grand and petit, in said court, shall be in all respects the same as by law required in the circuit court of Lee county, and the practice of said Lee county court of law and equity shall be the same in this respect as in the circuit courts of the State; Provided, that the list of jurors selected by the jury commissioners of Lee county for the circuit court shall constitute the list of jurors for the Lee county court of law and equity; and provided further, that the grand and petit juries drawn from said list for the fall term, 1907, for the circuit court of Lee county, shall constitute the venire of grand and petit juries for the first term of the Lee county court of law and equity.

Approved July 24, 1907.

No. 404.)

AN ACT

(S. 500.

To fix the time of holding the courts in the third judicial circuit of Alabama. Be it enacted by the legislature of Alabama, That the circuit courts in the third judicial circuit of Alabama shall be held in each year as follows:

Barbour
County at
Clayton.

1. In the county of Barbour, at Clayton, on the second Monday in February and the first Monday in September, and may continue two weeks.

Dale County.

2. In the county of Dale, at Ozark, on the second Monday after the second Monday in February, and after the first Monday in September, and may continue three weeks.

3. In the county of Henry, at Abbeville, on the fifth Monday after the second Monday in February and after the first Monday in September, and may continue two weeks. Henry County.

4. In the county of Bullock, at Union Springs, on the seventh Monday after the second Monday in February and after the first Monday in September and may continue three weeks. Bullock County.

5. In the county of Russell, at Seale, on the tenth Monday after the second Monday in February and after the first Monday in September and may continue two weeks. Russell County.

6. In the county of Barbour, at Eufaula, on the twelfth Monday after the second Monday in February and after the first Monday in September and may continue three weeks. Barbour County at Eufaula.

Approved July 24, 1907.

No. 499.)

AN ACT

(H. 939.

To adopt a code of laws for the State of Alabama.

Be it enacted by the legislature of Alabama :

Section 1. That the work prepared by James J. Mayfield under "An act to provide for the revision, codification, digestion and promulgation of the public statutes of this State, both civil and criminal," approved September 30th, 1903, is as the same has been revised, amended, corrected and reported by the joint committee of the two houses of the legislature, which is shown upon the sheets of manuscript signed by the chairman of the joint committee, adopted and enacted as the code of Alabama, and shall regulate completely so far as a statute can, the subject to which it relates, and shall go into force and be operative on the thirtieth day after the date of the governor's proclamation announcing its publication. Code adopted. Effect.

Section 2. No act passed on or after the ninth day of July, 1907, shall be repealed or affected in any manner by the adoption of this code. All Acts unaffected.

acts amending sections of the code of 1896 which sections have been incorporated in this code, shall be printed in the place of and as such sections.

Acts incorpo-
rated in Code. Section 3. All acts of the present session of the legislature passed on and after July 9th, 1907, which are of a general nature, shall be incorporated in the code at the appropriate place with reference to its subject matter and become and be published as a part of the code so that every statute of a general nature of this state in force, at the time of the publication of the code shall be incorporated therein.

Section strick-
en out. Section 4. The section of the manuscript corresponding to section 1370 of the code of 1896, be and as hereby stricken out, and not carried in to the new code.

Approved July 27, 1907.

No. 411.) AN ACT (H. 847.
To provide for the payment of the salary of the judge of the city court of Anniston, and to fix the amount of the same at thirty-five hundred dollars.

Amount of
salary.

Section 1. Be it enacted by the legislature of Alabama that from the passage and approval of this act, the salary of the judge of the city court of Anniston, shall be the sum of thirty-five hundred dollars per annum, which shall be payable monthly.

Amount paid
by State.

Section 2. That of said salary, the sum of three thousand dollars shall be paid by the State in the manner as provided by law for the payment of the salaries of circuit judges, which sum is hereby appropriated for that purpose.

Amount by
county.

Section 3. That the sum of five hundred dollars shall be paid out of the general fund of the county treasury of Calhoun county upon the order of the presiding judge.

Approved July 25, 1907.

No. 413.)

AN ACT

(H. 497.)

For the relief of D. I. Guthrie, ex-tax collector
for Lamar county, Alabama.

Sec. 1. Be it enacted by the legislature of Alabama, That the auditor of Alabama is hereby authorized and required to draw his warrant upon the treasurer of the State of Alabama in favor of D. I. Guthrie of Lamar county, Alabama, for the sum of one hundred and forty-five and 36-100 dollars, and said treasurer shall pay said warrant out of any funds not otherwise appropriated; that being the amount said D. I. Guthrie was erroneously required to pay into the State treasury during the year 1899 in accordance with the report of the examiner of public accounts.

Approved July 25, 1907.

No. 415.)

AN ACT

(H. 1205.)

To amend section 3915 of the code as amended by an act entitled an act to better provide for the revenue of the State, approved March 4, 1903.

Section 1. Be it enacted by the legislature of Alabama, That section 3915 of the code of 1896, as amended by an act entitled an act to better provide for the revenue of the State, approved March 4, 1903, be and the same is amended and re-enacted so as to read as follows: 3915. Sleep- ing car companies to pay privilege, license and franchise tax to the State treasurer.—Each sleep- ing car company and each person, firm or corporation engaged in the business of operating or running sleeping cars (except railroad companies operating their own sleeping cars) and doing business in this State shall each pay in advance on the first day of January of each year to the State treasurer the sum of (three thousand) dollars

as and for license privilege and franchise taxes and in full satisfaction for all taxes imposed on the sleeping car business of such person or corporation and upon the property and intangible assets used in such business and no company or person required in this section to pay said taxes to the State shall be required by any municipality in which it does business by agent to pay any sum as a license or privilege tax greater than ten dollars for any such municipality which may be authorized by law to collect a privilege or license tax from such company or person. Provided said sum shall also be paid for the year 1907.

Approved Aug. 2, 1907.

No. 416.)

AN ACT

(H. 1154.

Act amended.

License tax
on money
lenders.

To amend section 9 of an act entitled, An act to further amend the revenue laws of the State of Alabama, approved March 7th, 1907. Be it enacted by the legislature of Alabama, That section 9 of an act entitled an act, to further amend the revenue laws of the State of Alabama, approved March 7th, 1907, be and the same is hereby amended so as to read as follows: Money Lenders—56. Every person, firm or corporation whose principal business is lending money, and who has a fixed place of business for that purpose shall pay an annual license of one hundred dollars. And this act shall apply to all corporations engaged in said business whether organized under laws of this State or any other State or country but shall not apply to banks or banking institutions regularly organized; provided that payment of tax in one county of the State as evidenced by the license, or official certificate of the judge of probate shall be sufficient.

Approved Aug. 2, 1907.

No. 417.)

AN ACT

(H. 1189.)

To amend section 8 of an act entitled "An act to further amend the revenue laws of the State of Alabama," approved March 7th, 1907. Be it enacted by the legislature of Alabama:

Section 1. That section eight of an act entitled "An act to further amend the revenue laws of the State of Alabama," approved March 7th, 1907, be amended so as to read as follows: ^{Act amended.} Section 8. That sub-division 54 of section 4122 of the code of 1896 as amended by an act of the general assembly of Alabama, entitled "An act to further amend the revenue laws of the State of Alabama," approved March 5th, 1901, be and the same is hereby amended so as to read as follows: Machines, Slot.—54. For each machine, such as nickle-in-the-slot, or other device of like character whether the same is charged for or not, ten dollars. This shall apply to music boxes, phonographs, etc., having the nickle-in-the-slot device; Provided, this act shall not apply to any device prohibited by law or to any machine from which ^{Slot machines,} merchandise or gas is received for the amount ^{License tax.} placed in said machine. Provided, however, that where several such slot machines are run or operated as a "Penny Arcade" or like place of amusement that the total license on all machines so run or operated in any one "Penny Arcade" or like place of amusement shall be one hundred dollars (\$100.00) per annum in towns and cities of more than twenty thousand inhabitants for the State and fifty dollars for the county, and in all other places fifty dollars per annum to the State and one half this amount to the county. Provided, further, that this license shall be due and payable by the person, owner or proprietor, of the establishment, store or place of business in or at which such slot machine is located and the State shall have a lien for the payment of said license upon such machine, which lien may be enforced by attachment.

Approved July 27, 1907.

No. 418.)

AN ACT

(H. 1211.

To amend an act entitled, an act to further amend the revenue laws of the State of Alabama. Be it enacted by the legislature of Alabama:

Act amended.

Section 1. An act to further amend the revenue laws of the State of Alabama, approved March 7th, 1907, be and the same is hereby amended by striking out section 5 of said act.

Approved July 27, 1907.

No. 419.)

AN ACT

(H. 940.

To provide for the publication and distribution of the Code of Alabama and the Acts of the Legislature.

Be it enacted by the Legislature of Alabama:

Code copy-
righted.

1. The Governor shall secure to the State the copyright of the Code of Alabama, adopted at this session of the Legislature.

Commission-
er to super-
vise publica-
tion, etc.

2. The Commissioner who codified and revised the Statutes of the State is required to supervise the publication of the Code. He shall read all proof, correct all manifest errors, clerical and otherwise and compare it with the original manuscript as signed by the chairman of the joint committee of the Legislature, and see that the Code as printed corresponds accurately with the original as adopted.

Contents of 1st
volume.

3. The Commissioner shall, in arranging the Code, have the certificate hereinafter provided for, and "An Act adopting the Code" printed in the first volume next after the title page and all of the prefatory matter that appears in both volumes of the Code of 1896, together with an Act of Cession of the State of South Carolina of that part of the territory of Alabama, before that cession claimed by the State of South Carolina and the constitutions of

1901, together with all the matter contained in Section 1, to 1851 of the manuscript of the new Code and the codified Acts of the present session of the Legislature incorporated therein by the Joint Committee, and an index to this volume. This volume shall have three titles, the top one bearing the words "Political Code of Alabama; the middle one bearing the number "1" in large figure, and the bottom title showing the number of Sections from 1 to-----

----- The second volume shall contain all of the matter as shown in Sections 1852 to 5510 in the manuscript and the Codified Acts of the present session of the Legislature incorporated therein by Joint Committee and the rules of court and have on the top title the words "Civil Code of Alabama," figure "2" on the middle title, and Sections-----to-----

Second volume.

on the bottom title and the index to this volume. The third volume shall contain the Constitutions of 1875 and 1901 in parallel columns, all the matter shown on the manuscript of the new Code from Sections 5511 to 7508 and the codified Acts of the present session of the Legislature incorporated therein by Joint Committee and an index to this volume. All Acts of the Legislature passed on and after the ninth day of July, 1907, amending any section of the Code of 1896 shall be substituted in place of the amended Section and become a part of the Code. All other general Acts passed on and after the ninth day of July, 1907, shall be inserted at the proper place according to its subject matter and be printed in the same type and style of the Code, leaving off its title and enacting clause, and numbering the sections of the Act with the appropriate number in the Code.

Third volume.

4. The Commissioner shall insert immediately after every section of the Code, and before the next section, annotations giving full citations to the decisions of the Supreme Court construing that Section. Whenever a section is sub-divided, the annotations shall be inserted after the appro-

Annotations.

priate subdivisions, and those to the section generally without reference to any particular subdivision, shall be, printed below the Section.

Chapters, titles, etc.

5. The Commissioner shall prepare, and insert at the proper place appropriate chapters, titles and subdivisions of titles for every chapter, briefly expressive of the subjects treated therein as the manuscript has been revised and amended by the Joint Committee, and after all the Acts passed on and after the 9th day of July, 1907, have been properly inserted, number the sections of the Code consecutively, and shall then verify and correct the cross references to sections of this Code so as to make them correspond accurately with the number of the Code given by him. The Code Commission shall insert in every volume of the Code cross references to all subjects or titles treated in the other volumes of the Code.

Number printed.

State edition, how printed and bound.

Sale edition, how printed and bound.

6. That ten thousand copies of sets of the three Codes shall be printed and bound for the use of the State. Of these, five thousand sets to be known as the "State Edition" for the use of the State in its courts and for its officers and Institutions shall be printed on seventy pound book paper 28x42, ream of five hundred sheets, pure rag stock paper to be of a deep cream or buff tint. The impression of the great seal of the State shall be borne on both board backs. The binding shall be number one English buckram, linen or flax, of a drab or olive color of the same quality or shade as sample in the office of the Secretary of State which is identified by the signature of the chairman of the Joint Committee. Five thousand sets shall be printed for sale, on seventy pound 28x42, ream of five hundred sheets, number one Eastern machine finish paper, equal in every respect with that made by the West Virginia Pulp and Paper Company at the Duncan Mills, Mechanicsville, New York, to be bound in number one English buckram, linen or flax, of the color of law leather. The ten thousand sets shall have the first and last sections of every vol-

ume reinforced by mystic Holland buckram, to extend not less than two inches, over the board backs, double sewed through sections to reinforce the lining and to have pasted up joints. The ordinary case style of binding must not be accepted. All the books to be hand sewed, on six bands and made up in sixteen page sections, boards laced on by twines by which the board is sewed. All boards shall be number one tar board, thickness number twenty. There shall be three titles on every volume as hereinabove prescribed, and stamped with genuine gold leaf. Composition shall be in eleven point modern for text; eight point for citation and index; six point for foot and side notes; type page to be 29x50 ems pica and set in the general style of the Code of 1896, and printed on new type or monotypes.

7. When the printing of the Code is completed, the Commissioner shall certify that the same has been compared by him with the original as adopted by the Legislature and that the Code as printed is the same as adopted, which certificate must be printed in every copy of the Code; and the Code thus printed and published must be received as the law in all courts and in all proceedings before any board, body or officer of this State, subject to correction by the original signed manuscript which shall be kept on file in the office of the Secretary of State.

8. Within ten days after the approval of this Act, the Secretary of State shall advertise for bids to print and bind the Code in accordance herewith, and shall award the contract to the best responsible bidder as recommended by the Commission. The bids must be accompanied by a bond in not less than thirty thousand dollars with some surety company authorized to do business in Alabama, as surety, to be approved by the Governor, if the bid should be accepted, conditioned to faithfully perform the contract, which shall be drawn by the Attorney General and approved by the Governor. When the entire work is delivered to the

Certificate of
commission-
er.

Bids for print-
ing and bind-
ing.

binders the Governor may pay the contractor such part of the agreed price as he may deem just, not to exceed two-thirds of the whole sum, to be paid for the entire work. The Commission shall furnish to the contractor an accurate copy of the new Code together with the appropriate annotations and correct citations and cross references, and this copy only, shall be sent to the printer, and immediately thereafter the original manuscript shall be substantially bound in books, of convenient size, and deposited and kept in the office of the Secretary of State.

Compensation of commissioners.

9. The Commission, for codifying the general Acts of the present Legislature which have been approved and incorporated into the manuscript by the Joint Committee, and for performing all of the duties required of him in and about the publication of the Code, shall receive five thousand dollars, two thousand dollars to be paid when his copy is delivered to the printers, two thousand dollars when the work is delivered to the binders, and one thousand dollars when the ten thousand sets are delivered to the Secretary of State.

Proclamation of Governor.

10. Upon the delivery of ten thousand sets of the Code to the Secretary of State, the Governor must thereupon make proclamation announcing the fact, and that the Code will go into effect and become operative on the thirtieth day after the date of the proclamation.

State edition, property of State.

11. The Secretary of State must retain, for the use of the State in its courts, and for its officers and public institutions and libraries the five thousand sets of the State Edition, no copy of which shall ever be sold, and every copy of which shall forever remain the property of the State of Alabama. Any person found in possession of any volume or copy of the State Edition of the Code, except in the court, office, institution or library where they are properly deposited for public use, shall be guilty of misdemeanor.

Misdemeanor to have in possession.

12. Of the State Edition the Secretary of State shall transmit to every department of the United States government and to the Congressional Library, one copy; to the executive of every State and Territory, two copies; to the Librarian of the University ten copies; Alabama Polytechnic Institute and the Alabama Girls Industrial School, the Deaf, Dumb and Blind Institutes and the Insane Hospitals and every Normal school and Agricultural School and experiment Station, two copies; and shall deliver to the librarian of the Supreme Court ten copies for the use of the Library; to the Department of Archives and History, two copies; to the head of every department in the State Capitol, one copy; to every court of record and every separate division of a court of record in the State, two copies; the medical college at Mobile, two copies; to every Sheriff, Solicitor, County Superintendent of Education, Board of Revenue, Tax Assessor, Tax Collector and County Treasurer, Justice of the Peace, every Notary with the powers of a Justice of the Peace, every Public Library which is not named after any person, and to every Bar library, one copy. The title to all of which copies shall forever remain in the State of Alabama, and shall never become the personal property of any person or corporation however long they have had possession thereof.

13. The Secretary of State shall, from the sale Edition of the Code, distribute to every judge of a court of record in the State of Alabama, Senator and Representative, Secretary of the Senate and Clerk of the House, one set of the Sale Edition, which shall be his personal property.

14. For the purpose of making a correct distribution of the Code to the County officers entitled thereto, the Secretary of State shall deliver to every Probate Judge the number of copies as by the written requisition of the Probate Judge may be shown that his County is entitled to receive. The requisition must give the name and office of every officer for whom the requisition is

made, and the Probate Judge must take from every officer to whom a Code is delivered a receipt specifying whether it is of the State Edition or the Sale Edition, which receipt he must file in the office of the Secretary of State; and shall be responsible for all copies delivered to him and for which he has not filed the receipts of the officer entitled thereto in the office of the Secretary of State.

Copies preserved.

Price of Code.

15. That all copies of the State Edition left after the distribution above provided for, the Secretary of State shall preserve for official use and shall not sell any of them. All the rest of the sale Edition he may sell at Six dollars per copy of three volumes, but shall not sell to any one individual, corporation or firm more than five copies.

Commission to examine bids, etc.

Duty of commission before Code received.

16. That to secure a speedy delivery of the Code, and to have it printed and bound fully in accordance with specifications and requirements of this Act, the Secretary of State, the Code Commissioner and the Chairman of the Joint Legislative Committee, who read the Code, are hereby constituted a Commission, whose duty it shall be to open and examine all of the bids made for printing the Code, and certify them to the Governor in the order in which the bids are made, rating them according to the price of the bid, and the character of the work usually done by the bidder. That before the Secretary of State shall receive any Code or the Governor pay any part of the contract price, this Commission shall carefully compare the work, quality of paper and of binding with the specifications and shall certify to the Secretary of State and the Governor whether the work has been done strictly in accordance with the specifications prescribed by law.

Advertise for bids.

17. Within ten days after the approval of this Act, the Secretary of State, must advertise, for thirty days, for bids for printing this Code, and the Commission shall have all the necessary copy ready to be delivered to the contractor as soon

as the contract is signed and the contract shall bind him to print all of the books and thoroughly dry, season and press the same, and to deliver them all within six months from the date of the contract.

18. To facilitate the indexing and proper noting of cross references to the Acts of the present session of the Legislature which has been incorporated into the Code, the Secretary of State shall have printed three thousand five hundred

Time of delivery.

General Acts of Legislature; how printed and bound and No. printed.

copies of the general Acts of the present session of the Legislature, to be printed on sixty pound laid book paper, pure rag stock; to be hand sewed in sections of sixteen pages on five bands, and to be trimmed to the size of the Supreme Court of Alabama Reports and bound in linen buckram of the same color and quality as that prescribed for the State Edition of the new Code, to be printed on new type of the same style and same measure per line as that used in the Reports of the Supreme Court of Alabama. Whenever the words "Be it further enacted" are at the beginning of any section, they shall be omitted. The pages of the pamphlet containing the general laws which was published by authority of a Joint Resolution number 53, approved March 2, 1907, shall be preserved in the New volume as star pages, but in every other respect the type and size of page shall be as required herein, and the general Acts passed on and after July 9th, 1907, shall be added to those passed before the recess, and bound in one volume with full index, and must be published within sixty days from the adjournment of this session of the Legislature.

19. There shall be published two thousand copies of the local Acts on the same paper, same binding, same character of work, same measure of page as that prescribed for the general Acts, and in case there are more than one thousand pages of the local Acts, they shall be published in two volumes.

Local Acts.

20. The Secretary of State shall furnish to the Code Commissioner, two official copies of ev-

Acts furnished
Code commis-
sioner.

Annotations,
etc., not part
of laws.

Duty of Com-
missioner as
to second
proof.

Power of Com-
mission.

Publishers
may print
extra edition.

Terms of
court.

every Act of a general and permanent nature, which was passed on, or after July 9th, 1907, immediately after the approval thereof, for which he shall be paid ten cents per hundred words.

21. The annotations, title pages, cross references, or marginal references of the Code, shall not constitute, or be construed as a part of the laws of this State, but are intended as mere indices of the contents thereof, and are added or placed therein at the discretion of the Code Commissioner.

22. The Code Commissioner shall attend at the place of the publication of the Code, during the second reading of the proof and his expenses incurred in doing this shall be paid upon his certified statement thereof by warrant drawn by the State Auditor on the State Treasurer.

23. The Code Commission, provided for in Section 16, of this Act shall have power to change or modify any specification which may be necessary, in order to secure the best book, without materially increasing the cost thereof.

24. The publishers may print an extra edition of the Code not exceeding three hundred sets, on such paper and such style binding as they select and may sell the same accounting with the State for the contract price.

Approved July, 27, 1907.

No. 423.)

AN ACT

(S. 504.

To fix the time of holding the circuit court in the county of Limestone, in the eighth judicial circuit of Alabama.

Section 1. Be it enacted by the legislature of Alabama, That the circuit court in and for the county of Limestone, in said State, shall be held at the following times, viz.: On the second Monday in January and on the first Monday after the fourth Monday in March and September, in each year; each of the terms of said court may con-

tinue in session two weeks, except the January term, in each year, which may continue in session three weeks; provided, there shall be no grand jury drawn and summoned for the January term of said court unless the judge of said court shall within the first three days of said term make an order on the minutes for the drawing and summoning of a grand jury for said term; and provided further that only civil business shall be transacted at said January term, unless the judge shall make and enter an order on the minutes directing the trial of criminal cases during the third week of said term, which order if made, shall be made within the first three days of said term.

Section 2. That all laws and parts of laws general or special in conflict with this act be and the same are hereby repealed.

Approved July 29, 1907.

No. 425.)

AN ACT

(S. 484.

To fix the time of holding the circuit courts in the counties of Walker and Winston, composing the 14th judicial circuit of the State of Alabama. Be it enacted by the Legislature of Alabama, The courts in the fourteenth judicial circuit composed of Walker and Winston counties shall be held in each year as follows:

1. In the county of Walker. (1) The first term shall commence on the second Monday in January, and may continue until, but not including, the third Monday in March. (2) The second term shall commence on the second Monday in April, and may continue until, but not including, the first day of July. (3) The third term shall commence on the second Monday in October, and may continue until, and including, the second Saturday in December.

Winston.

2. In the county of Winston. (1) The spring term shall commence on the third Monday in March, and may continue two weeks. (2) The fall term shall commence on the third Monday in September, and may continue two weeks. And in the counties of Walker and Winston the court may be organized on any day during the term.

Approved July 29, 1907.

No. 426.)

AN ACT

(S. 475.

To fix and provide for the salary of the judge of the thirteenth judicial circuit of Alabama.

Amount of salary.

Section 1. Be it enacted by the legislature of Alabama, That the salary of the judge of the thirteenth judicial circuit of Alabama, be and it is hereby fixed at the sum of four thousand five hundred dollars per annum and that he shall be paid out of the State treasury the same sum as is now or shall hereafter be authorized by law to be paid to other circuit judges out of the State treasury, and such sum out of the treasury of Mobile county, Alabama, as will when added to the amount paid out of the State treasury equal to the salary of said judge as fixed by this act.

How paid.

Approved July 29, 1907.

No. 427.)

AN ACT

(S. 474.

To fix and provide for the salary of the chancellor of the southwestern chancery division of the State of Alabama.

Amount of salary.

Section 1. Be it enacted by the legislature of Alabama, That the salary of the chancellor of the southwestern chancery division of the State of Alabama be, and it is hereby fixed at the sum of four thousand dollars per annum and that he

shall be paid out of the State treasury the same sum as is now or shall hereafter be authorized by law to be paid to other chancellors out of the State treasury, and such sum out of the treasury of Mobile county, Alabama, as will when added to the amount paid out of the State treasury equal to the salary of said chancellor as fixed by this act.

Approved July 29, 1907.

No. 433.) AN ACT (S. 401.

For the relief of J. L. Smith, an ex-confederate soldier, being a resident of Randolph county, Ala., whereas J. L. Smith has long been on the pension rolls of Randolph county, Alabama, but for the year of 1906 his name was dropped from said rolls through mistake.

Section 1. Be it enacted by the legislature of Alabama, That the State auditor be and he is hereby required to draw his warrant on the treasury of Alabama for \$30.00 for said pensioner for the year of 1906 to be paid out of any balance in the pension funds of the State by the treasurer thereof.

Section 2. Be it further enacted, That the probate judge of Randolph county, Alabama, and the other pension officers of the State are hereby required to restore the name of said pensioner, J. L. Smith, to the pension rolls.

Approved July 29, 1907.

No. 434.) AN ACT (S. 260.

To detach the county of Winston from the north western chancery division of Alabama; to confer equity jurisdiction on the circuit

court of said county; to provide for the appointment of a register for the equity side of said circuit court.

County detached.

Section 1. Be it enacted by the legislature of Alabama, That the county of Winston be and the same is hereby detached from the north western chancery division of Alabama.

Powers conferred on circuit court.

Section 2. That all the jurisdiction and powers which now are, or may hereafter be by law conferred upon the chancery courts of this State, are hereby conferred upon the circuit court of Winston county and the judge of the circuit court of Winston county shall have and exercise all the jurisdiction and powers which now are or may hereafter be conferred upon the chancellors of this State, in so far as the county of Winston is concerned. When exercising the powers and jurisdiction of the court of equity said judge shall conform to the rules of procedure in the chancery courts of this State.

Call of docket.

Section 3. A peremptory call of the equity docket of said circuit court shall be held as follows: The first Monday after the adjournment of each regular term of the circuit court of Winston county for the trial of cases at law.

Register; appointment of, etc.

Section 4. That as soon as practicable after the approval of this act the judge of the circuit court of said county shall appoint a register for the equity side of said circuit court who shall hold office during the term for which the judge making the appointment was elected or appointed, and until his successor is in like manner appointed and qualified. The official bond, duties, liabilities, fees and commissions of the register of said court shall be the same as those of the register in chancery of this State, and he shall have the custody of all books and papers belonging to the equity side of said circuit court.

Causes how heard and determined.

Section 5. That all causes and court business now pending in the chancery court of Winston county shall be heard and determined by the chancellor of the north western chancery divis-

ion at Jasper, Alabama, and all causes hereafter filed in equity from Winston county may be filed in the circuit court and heard and determined by the circuit judge of said county at Double Springs, Alabama.

Section 6. That all laws and parts of laws in ^{Repeal.} conflict with the provisions of this act be and the same are hereby repealed, so far as Winston county is concerned.

Approved July 29, 1907.

No. 438.)

AN ACT

(S. 190.

To make the judge of the city court of Montgomery and the associate judge of the city court of Montgomery elective by the people.

Section 1. Be it enacted by the legislature of ^{Officers elect-} Alabama, That the judge of the city court of ^{ive.} Montgomery, and the associate judge of the city court of Montgomery, shall be elected by the qualified voters of Montgomery county at the ^{When.} general election for State officers in the year 1910 and every six years thereafter, and shall hold their respective offices for a term of six ^{Term of of-} years, from the 15th day of November, 1910, and ^{fice.} until their successors are elected and qualified.

Section 2. Be it further enacted, That the ^{Term of pres-} present judge and associate judge of said court ^{ent judges.} shall hold their respective offices until November 15th, 1910, and until their successors are elected and qualified.

Section 3. That all laws or parts of laws, gen- ^{Repeal.} eral, special or local, in conflict with the provisions of this act, be and the same are hereby repealed.

Approved July 29, 1907.

No. 439.)

AN ACT

(S. 344.)

To further regulate the opening, closing and operating saloons, and giving away or selling spirituous, vinous or malt liquors under a license from the State and to punish violations thereof.

Opening and
closing regu-
lated.

Time of.

Penalty for
violation.

Section 1. Be it enacted by the legislature of Alabama, That from and after January first, 1908, it shall be unlawful for any one authorized by license from the State to sell spirituous, vinous or malt liquors, or the employe, agent or servant of such person to have open or to admit any one or more persons into the house or place wherein spirituous, vinous or malt liquors are stored, kept or sold, under such license, or to give away or sell and spirituous, vinous or malt liquors in any quantity in or from the house or place where such liquors are stored, kept or sold, before the hour of six o'clock in the morning in any place, town or city, or after the hour of seven o'clock in the evening in places, towns or cities of less than ten thousand inhabitants or after the hour of eight o'clock in the evening in towns or cities of not less than ten thousand nor more than fifteen thousand inhabitants or after the hour of nine o'clock in the evening in cities of more than fifteen thousand inhabitants.

Section 2. That any person or persons having a license to sell spirituous, vinous or malt liquors, or the agent, employee or servant of such person or persons who directly or indirectly sells or gives or delivers any spirituous, vinous or malt liquors to any person in or from such house or place in which license authorizes the doing of business at any time prohibited by this act shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty nor more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

Section 3. That when any person is convicted for a violation of this act a copy of such conviction shall be certified by the clerk of the court wherein such conviction is had to the judge of probate of the county and on it being shown to the probate judge that the person or persons having such license or his agent, employee or servant has been convicted for two violations of this act the probate judge shall cancel such license to sell spirituous, vinous or malt liquors.

Certified copy
of conviction.

Two convictions,
license
cancelled.

Section 4. That an indictment for a violation of this act shall be sufficient if it charges "That ----- having a license to sell spirituous, vinous or malt liquors, or being the agent, employee or servant of one having such license did keep open saloon, or sell or give away spirituous, vinous or malt liquors in or from a house or place where such liquors were kept, stored, or sold or did admit persons into such house or place at an unlawful hour and contrary to law and so forth.

Form of indictment.

Section 5. The number of inhabitants in any city or town or place shall be determined by the last legally authorized census.

Inhabitants;
how determined.

Approved Aug. 2, 1907.

No. 441.)

AN ACT

(H. 1130.

To encourage the manufacture of calcium cyanamid (lime nitrogen) in this State, by exemptions from taxation for a period of ten years. Be it enacted by the legislature of Alabama:

Section 1. To encourage the manufacture of calcium cyanamid (lime nitrogen) in this State the plants, and the property and business necessary for the manufacture of the same, of any person, or firm, or of any corporation, organized for the purpose of manufacturing calcium cyanamid (lime nitrogen), shall, in consideration of

Exemption
from taxation.

the benefit to be derived by the public from the manufacture of the same, be, and the same are hereby exempt from State, county, and municipal property and privilege taxation of all description, either under general or local laws, until ten years after the beginning of the construction of any such plant. Nothing in this act shall be so construed as to exempt from taxation lands upon which such plants are erected.

Approved July 27, 1907.

No. 442.)

AN ACT

(H.1129.

To encourage the developement of the various unused water powers in this State, by exemptions from taxation for a period of ten years. Be it enacted by the legislature of Alabama:

Exemption
from taxation.

Section 1. To encourage the developement of the various unused water powers of this State, the plants, and the property, business and franchises, necessary for the production, transformation and distribution of electric current, of any person, or firm, or of any corporation, organized for the purpose of developing hydro-electric power for the use of the public, shall, in consideration of the benefits to be derived by the public from the development and operation of such properties and plants be, and the same are hereby exempt from State, county and municipal property and privilege taxation of all description, either under general or local laws, until ten years after the beginning of the construction of any such plant. Nothing in this act shall be so construed as to exempt from taxation the lands upon which such plants are erected; nor shall this act be so construed as to exempt from taxation any of the property, business or franchises of any hydro-electric power plant already developed.

Approved July 27, 1907.

No. 445.)

AN ACT

(H. 1322.)

To provide for compulsory pilotage on all vessels and craft crossing the outer bar of Mobile bay, except vessels engaged in American coast-wise trade, and to repeal all laws in conflict herewith.

Section 1. Be it enacted by the legislature of Alabama, That all steam or sail vessels crossing the outer bar of Mobile bay, shall be required to pay a full amount of pilotage now provided by law. ^{Compulsory pilotage.}

Section 2. Be it further enacted that any sail or steam vessel engaged in coast-wise trade and plying between ports on the Atlantic coast or the coast of the Gulf of Mexico and the city of Mobile shall be exempt from the payment of any pilotage fees whatsoever, and shall not be required to have the services of a pilot in crossing the said outer bar of Mobile bay and in navigating the waters of the said bay. ^{Exceptions.}

Section 3. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed. ^{Repeal.}

Approved July 27, 1907.

No. 446.)

AN ACT

(H. 1077.)

To fix a basis for the ascertainment of the annual franchise tax on foreign corporations.

Section 1. Be it enacted by the legislature of Alabama, That in ascertaining the amount of the annual franchise tax which shall be paid by any foreign corporation doing business in this State, as required by an act entitled "An act to provide for the revenue of the State, by requiring all foreign corporations authorized to do business in this State, under the laws of the State of Alabama, to pay an annual franchise tax," approved ^{Franchise tax; how ascertained.}

March 7th, 1907, there shall be deducted from the amount of the capital employed by such corporation in this State the aggregate amount of loans of money made by such corporations in this State and which shall be secured by existing mortgage or mortgages to it on real estate in this State and upon which mortgages there shall have been paid the recording privilege tax, provided by law.

Approved July 27, 1907.

No. 448.)

AN ACT

(H. 1110.

For the relief of H. Frederick, an ex-confederate soldier; to give the said H. Frederick the benefits granted under an act the general assembly of Alabama, approved February 10th, 1899, for the relief of needy confederate soldiers and sailors resident citizens of Alabama, and to require the probate judge of Escambia county to place his name on the pension roll or list of ex-confederate soldiers in the county of Escambia. Be it enacted by the legislature of Alabama :

Name placed
on pension
roll.

Section 1. That for the year 1907 the probate judge of Escambia county shall place or cause to be placed on the roll or list of ex-confederate soldiers receiving pensions as now provided for under the laws of Alabama, as approved February 10th, 1899 the name of H. Frederick, who is a disabled and needy ex-confederate soldier residing in Escambia county, and that the name of the said H. Frederick be continued on the list or roll of pensioners from year to year in class number four during his natural life, causing him to receive the amount now apportioned for said class or that may hereafter be apportioned and received by ex-confederate soldiers in class number four.

Approved July 31, 1907.

No. 470.)

AN ACT

(H. 713.)

For the relief of L. W. Kolb, to refund certain moneys illegally collected from him in Dale county as state license. Be it enacted by the legislature of Alabama, that, whereas, on February 27th, 1904, L. W. Kolb, of Dale county, paid to G. P. Dowling, judge of probate for said county, the sum of twenty-five (\$25.00) dollars, as a State license to transact the business of selling, ^{Amount ap-} and delivering sewing machines in Dale county, ^{propriated.} claimed to be due and collectable under a State law then existing, which was ascertained after the payment of said sum into the State treasury, not to exist, and that said State license was collected from L. W. Kolb for the State of Alabama, without authority, the said sum of twenty-five (\$25.00) dollars is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated for the reimbursement of said L. W. Kolb, and the State auditor is hereby authorized and required to draw a warrant on the State treasurer for said amount in favor of the said L. W. Kolb, and forward same to the judge of probate of Dale county to be by him turned over to the beneficiary of this act.

Approved July 31, 1907.

No. 482.)

AN ACT

(H. 965.)

To fix the time and place of holding the chancery court in the eighth district of the northern division, composed of the county of Madison. Be it enacted by the legislature of Alabama:

1. The chancery court in the eighth district, ^{Time of hold-} northern division, composed of the county of ^{ing court.} Madison, shall be held at Huntsville, on the first Monday in April, and the third Monday in September, and may continue one week.

Repeal.

2. All laws and parts of laws in conflict herewith are repealed.

Approved July 31, 1907.

No. 489.)

AN ACT

(H. 960.

To amend section 1 of an act entitled an act "To aid and encourage technical education in the State of Alabama, and the providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute," approved March 2, 1907.

Act amended. Section 1. Be it enacted by the legislature of Alabama, That section 1 of an act entitled an act "To aid and encourage technical education in the State of Alabama and providing for the erection and equipment of buildings and increased facilities at the Alabama Polytechnic Institute," approved March 2, 1907, be amended so as to read as follows: Section 1. Be it enacted by the legislature of Alabama, That there is hereby appropriated to the Alabama Polytechnic Institute in order to aid and encourage technical education in the departments of the sciences that relate to agricultural, mechanic and textile arts, the sum of fifty-six thousand and five hundred dollars annually for the years 1907, 1908, 1909, 1910, and that the funds thus appropriated by the act shall be paid out of any funds in the treasury of the State not otherwise appropriated. Provided that if a donation of thirty thousand dollars shall be acquired by the Alabama Polytechnic Institute and applied to the erection of a library building, thirty thousand dollars of the funds herein appropriated may be invested by the Alabama Polytechnic Institute in income bearing securities, the income from which shall be applied to the support and maintenance of a library belonging to said Alabama Polytechnic Institute and located in said building.

Amount appropriated, etc.

Purposes of

Section 2. That this act shall take effect immediately after its passage. ^{Effect.}

Approved July 31, 1907.

No. 498.)

AN ACT

(H. 907.

To provide for the making of bonds for the State auditor and secretary of State through guarantee companies and to provide for the payment of the premium on same.

Sec. 1. Be it enacted by the legislature, That ^{Bonds of; how made.} from and after the passage of this act, the bonds of the State auditor and secretary of State as now fixed by law may be made and insured by qualified guarantee companies, and there is hereby appropriated out of the funds of the treasury not otherwise appropriated an amount not to exceed two hundred dollars per annum, sufficient to pay the premium to said guarantee company or companies for making and insuring the said bonds of the said State auditor and secretary of State. Provided, that if such State officer is unable to procure bond in such guarantee companies on terms satisfactory to himself and the governor, then, and in that event, the governor is authorized to receive and approve personal surety on the bonds of such official. Provided, further, that no guarantee company shall be accepted as a surety unless it has on deposit with the treasurer of the State at least \$50,000 worth of securities as provided by law.

Section 2. The appropriation herein made for ^{How appro-} such premium shall be paid by auditor's warrant ^{priation paid.} upon the approval of the governor, and shall apply to present officers who are required to make bonds. In case of any suit upon the bond of any such officer as herein provided, the courts of Alabama shall have exclusive jurisdiction thereof. All laws conflicting herewith are repealed.

Approved Aug. 1st, 1907.

No. 502.)

AN ACT

(S. 541.

To appropriate the sum of fifty thousand dollars to defray the expenses incurred and to be incurred in connection with the railroad rate litigation now pending, or which may hereafter be instituted, between the various railroads of Alabama and the railroad commission.

Amount appropriated and purposes of.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby appropriated the sum of fifty thousand dollars, or as much thereof as may be necessary, to defray the expenses incurred and to be incurred in connection with the railroad rate litigation now pending, or which may hereafter be instituted, between the various railroads of Alabama and the railroad commission. The money hereby appropriated, or as much thereof as may be necessary, shall be paid by the treasurer out of any money in the treasury not otherwise heretofore appropriated from time to time as may be necessary on the warrants of the auditor in payment of accounts approved by the governor.

How paid.

Approved July 31, 1907.

No. 520.)

(H. J. R. 316.

BE IT RESOLVED

Municipal Code; printed for distribution.

Be it resolved by the House of Representatives the Senate concurring that upon the approval of the municipal code bill by the Governor that the Secretary of State be and he is hereby directed to have two thousand copies of the bill printed for free disposition to the members of the Legislature and the several cities and towns in this State. That each member of this House and Senate be allowed five copies.

Approved August 1, 1907.

No. 522.) INSTRUCTING (H. J. R. 288.

Our senators and requesting our representatives in congress to use their influence to have money appropriated to open and clean out the Cahaba river to navigation of flat boats and barges from the Alabama river to Centreville in Bibb county, Alabama; also to make a survey of the Cahaba river from Centreville, Alabama, to the mouth of Schultz creek to such point up said creek as the surveyors may deem expedient for the purpose of locking and daming same. Whereas, the Cahaba river has been by congress declared a public waterway from its mouth to Centreville in Bibb county, Alabama, and was for many years nevigated by steamboats and barges And whereas, said stream has become unnavigable by reason of a few shoals and large deposits of driftwood and debris formed by suction of matter from beneath such drifts; and whereas, the opening of the Cahaba river and its said tributary would be of incalculable value to the country contiguous thereto, as well as to the United States in the way of transportation of coal, iron, etc.; therefore, Resolved by the house, the senate concurring, that our senators and representatives in congress be and they are hereby requested to use their most earnest efforts to secure a donation of money from the federal government to aid in clearing and deepening said Cahaba river from its mouth to Centreville in Bibb county, Alabama, and to surveying, locking and draining of said Cahaba river from said Centreville, up to Schultz creek and to the surveying, locking and draining of said Schultz creek from its mouth up said creek to some point to be designated by the surveyor.

Approved July 31, 1907.

No. 523.) AN ACT (H. 1030.

To amend sections two, twenty-seven and thirty-three of an act entitled an act to establish

the Walker county law and equity court, approved December 5th, 1900, and to amend section one of an act approved February 15th, 1901, entitled an act to amend sections eight, nine and twenty-six of an act entitled an act to establish the Walker county law and equity court, approved December 5th, 1900.

Section 2
amended.

Election and
term of office
of judge.

Qualifica-
tions.

Oath.

Section 1. Be it enacted by the legislature of Alabama, That section two of an act entitled an act to establish the Walker county law and equity court be amended so as to read as follows, to-wit: Section 2. Be it further enacted that a judge for said court shall be elected by the legislature of Alabama in joint session within fifteen days after the approval of this act, whose term of service shall continue until November the 3rd, 1902. At the general election in November, 1908, and every six years thereafter the judge of said Walker county law and equity court shall be elected by the qualified voters of the county of Walker, whose term of service shall continue until November 3rd, 1902, at the general election in November, 1908, and every six years thereafter, the judge of said Walker county law and equity court shall be elected by the qualified voters of the county of Walker, whose term of service shall be six years from the first day of December next after said election and until his successors qualifies. The judge so elected by the legislature and by the people as herein provided shall take the oath of office required by law to be taken by the judge of the circuit court. The judge of said court at the time of his election shall have been a citizen of the State of Alabama and the county of Walker for a period of two years next preceding his election, over the age of thirty and shall be learned in the law, and during his continuance in office as such judge shall reside in the county of Walker. The judge of said court shall take the oath of office required by law to be taken by judges of the circuit courts

before entering upon his duties pertaining to said office, and may be impeached or removed from office for the same causes by the same tribunals and in the same manner as is provided by law for the impeachment or removal from office of judges of circuit courts, such judges shall have and exercise all the jurisdiction and powers which are now or may hereafter be, lawfully exercised by judges of the circuit court, chancellors and judges of the county courts of this State, including authority to issue writs of habeas corpus, of injunction, prohibition, ne exat, and all other writs which are now, or may hereafter be lawfully, issued by judges of the circuit court, chancellors, and judges of county courts of this State. Vacancies in office of judge shall be filled by the governor, and any person appointed to fill an unexpired term shall continue in office until his successor is elected and qualified.

Power, etc.

Vacancies.

Section 2. That section twenty-seven of said act be amended so as to read as follows, to-wit:

Section 27 amended.

Section 27. Be it further enacted, that the judge of said court herein established shall receive as a salary the sum of twenty-seven hundred dollars per annum and paid at the same time and in the same manner as the other said judges.

Salary of judge.

Section 3. That section thirty-three of said act be amended so as to read as follows, to-wit:

Section 33 amended.

Section 33. Be it further enacted, that in all civil cases commenced in said court by summons and complaint or by attachment upon appearance of the defendants in said cause the same shall be set down for settling the pleadings and after pleadings have been settled, the same must be tried upon the issues therein formed; Provided, however, that the judge of said court may allow amendments to the complaint or other pleadings after the same have been settled, upon such terms as in the discretion of the court may seem just in the premises.

Trial of civil cases.

Section 4. That section one of an act approved February 15th, 1901, entitled an act to amend sections eight, nine and twenty-six of an act to

Act amended.

Trials.

establish the Walker county law and equity court, approved December 5th, 1900, be amended so as to read as follows: Section 1. Be it enacted by the general assembly of Alabama, That section eight of an act entitled an act to amend sections eight, nine and twenty-six of an act entitled an act to establish the Walker county law and equity court, approved December the 5th, 1900 be amended so as to read as follows: Section 8. That in the trial of every case, both civil and criminal on complaint or indictment, of which this court has jurisdiction, each and every person or party to said cause shall be entitled to a trial by jury. Provided, that in misdemeanor cases said court shall try both the law and the facts, except when trial by jury is demanded by defendant, in writing and filed with the clerk of said court within twenty days after he is arrested or taken into custody.

Approved July 31, 1907.

No. 527.)

AN ACT

(H. 876.

To divide St. Clair county into two chancery districts, to provide for holding court therein, to authorize the appointment of a register for each of said districts, and to prescribe his duties.

Southern
chancery dis-
trict.

Section 1. Be it enacted by the legislature of Alabama, That the territory lying within precincts numbers 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, and 21 of St. Clair county shall constitute and shall be known and called the southern chancery district of St. Clair county, and the territory embraced in the remaining precincts of St. Clair county as now constituted and laid off, and not embraced in the precincts herein before named, shall constitute, and be known and called the northern chancery district of St. Clair county, and the said chancery district shall be a part

Northern
chancery dis-
trict.

of the northeastern chancery division of Alabama.

Section 2. That there shall be held each year ^{Terms of} two terms of chancery court for said northern ^{court.} chancery district of St. Clair county at Ashville in the court house of said county at the times now provided by law for the holding of the chancery court of said county and at each term may continue three days; that there shall be held each year two terms of chancery court for said southern chancery district of St. Clair county at Pell City in the building provided by the court of county commissioners of said county, as follows: On the fourth Monday in February and August and at each term may continue three days.

Section 3. That special terms of chancery court may be held for each of said chancery districts in the manner now provided by law for holding special terms of the chancery court in this State. ^{Special terms.}

Section 4. That the chancellor of the northeastern chancery division of Alabama shall appoint a register for each of said chancery districts, who shall hold office during the term of such chancellor, and who shall perform the same duties as are required by law of registers in chancery in this State. ^{Register for each district.}

Section 5. That all suits and proceedings ^{Suits, etc.,} now pending in the chancery court of St. Clair ^{transferred.} county, which might after the passage of this act be brought in the southern chancery district of St. Clair county may be transferred by consent of all parties to the said southern chancery district of St. Clair county as constituted by this act, and there disposed of in the same manner and with like effect as if the same had been instituted therein, and except as above provided, all suits and proceedings pending in the chancery court of St. Clair county holden at Ashville shall there remain and be disposed of by the chancery court of the northern district of St. Clair county.

Books, etc.,
furnished by
county com-
missioner.

Section 6. That the court of county commissioners of St. Clair county shall, at the expense of said county furnish to the said registers in chancery all needful books, papers, furniture and equipment for holding said court in both of said districts and for keeping a record of the minutes and proceedings thereof, and of causes pending therein and such records, books and papers shall be open to the free inspection of all persons at all reasonable hours.

Approved July 31, 1907.

No. 529.)

AN ACT

(H. 1150.

Act amended.

To amend "An act to provide for the settlement, adjustment and refunding of the bonded indebtedness of municipal corporations. Be it enacted by the legislature of Alabama, That "An act to provide for the settlement, adjustment and refunding of the bonded indebtedness of municipal corporations," approved February 26, 1903, be and the same is hereby amended to read as follows:

Settlement
of bonded in-
debtedness of
municipal cor-
porations.

Section 1. Be it further enacted, that the municipal authorities of any county, city, town or village in this State, which may have outstanding a bonded indebtedness of any kind, are hereby authorized and empowered to settle, adjust and refund the same upon the best terms they can obtain, and in order to carry into effect the settlement, adjustment and refunding of such bonded indebtedness, the municipal authorities of any such corporations are authorized and empowered to issue bonds for such an amount as may be necessary to pay the indebtedness of such corporation which it is proposed to settle, adjust and refund, and for no other purpose whatsoever in such sum and form and to run for such length of time, not exceeding thirty years, and to bear such rate of interest, not to exceed five percentum per annum, payable annually or semi-annually at such place as the municipal authorities may

designate and may levy and collect, in accordance with the constitution and in the manner provided by law, such tax as may be necessary upon the real and personal property and all other subjects of taxation in such corporation to pay the interest and principal of such bonds, provided that the tax levied under the authority of this act in any one year shall not exceed the constitutional limitation on the rate of taxation applicable to such county, city, town or village.

Section 2. Be it further enacted that where the debt which it is proposed to settle, adjust or refund is secured in whole or in part, by a mortgage, lien, or deed of trust upon any property belonging to the municipality, such municipality is authorized and empowered to make a new lien, mortgage or deed of trust upon such property to secure the payment of the entire issue of such refunding bonds.

Section 3. Any county, city, town or village issuing refunding bonds hereunder is hereby subrogated and substituted to all the rights and remedies prescribed by any local or special law heretofore enacted for the protection of its bond holders, or conferred upon it or any trustee, and it may sue for and recover any taxes as other municipal taxes are collected, or otherwise, or any money or property which such municipality or such trustee might have recovered under any special or local law heretofore enacted; provided, however, that the governing body of such county, city, town or village may, by appropriate ordinance or resolution, compromise and make settlement of such delinquent taxes as may have accrued under any special or local law, upon such terms and in such manner as may be deemed proper and for the best interest of said county, city, town or village, and all taxes levied for the year 1907 and prior thereto by any and all officers of any such county, city, town or village, acting under any local or special law authorizing the collection of taxes, to pay interest on bonds to be refunded hereunder are hereby in all things

Refunding
bonds; how
issued.

ratified and confirmed.

Section 4. Be it further enacted that such refunding bonds may be issued under the provisions of this act, notwithstanding the existence of any other act, general or special, authorizing the issuance of such bonds.

Approved Aug. 6, 1907.

No. 533.)

AN ACT

(H. 1023.)

For the relief of J. S. Baker, a confederate pensioner of Tallapoosa county, Ala. Whereas, J. S. Baker, a needy confederate soldier of Tallapoosa county, and entitled to participate in the distribution of the fund for "the relief of needy confederate soldiers" under an act approved Feby. 10th, 1899, and, whereas, during the year 1906 the State board of pension examiners, through error had the name of said J. S. Baker stricken from the roll as dead, thereby depriving him of the amount due under distribution of said fund made on October 1, 1906, therefore,

Amount ap-
propriated.

How paid.

Section 1. Be it enacted by the legislature of Alabama, That the auditor of this State be and he is hereby authorized and directed to draw a warrant on the treasurer of the State in favor of said J. S. Baker for the sum of thirty dollars, the same being the amount due him as a confederate pensioner of said county for the year 1906, said amount to be paid out of the funds appropriated for confederate pensioners of said State.

Approved August 2, 1907.

No. 534.)

AN ACT

(H. 1138.)

To appropriate the sum of \$21.60 for the year 1904 and the further sum of \$30.00 for the year 1905 and the further sum of \$30.00 for the year 1906, total \$81.60, to Mary Morris,

widow of John Morris and an ex-confederate soldier, as a confederate pensioner for said years, her name having been erroneously omitted from the lists of pensioners for said years.

Amount appropriated.

Be it enacted by the legislature of Alabama, That the sum of \$21.60 for the year 1904 and the further sum of \$30.00 for the year 1905 and the further sum of \$30.00 for the year 1906, be and the same is hereby appropriated for the benefit of Mary Morris, widow of John Morris, an ex-confederate soldier, as a confederate pensioner for said years, her name having been erroneously omitted from the lists of pensioners for said years, and the auditor is hereby authorized and directed to draw his warrant or warrants therefor, for the said sum of \$81.60 upon the treasurer in favor of said Mary Morris and the treasurer is hereby authorized and directed to pay the same out of any money in the treasury not otherwise appropriated.

How paid.

Approved August 2, 1907.

No. 546.)

AN ACT

(H. 1228.

For the relief of T. W. Smith, clerk of the circuit court of Autauga county, Alabama.

Whereas, at the May term of the circuit court of Autauga county during the year 1906, a case was tried in said court in which the town of Prattville was the prosecutor and Alorn Olderson was the defendant, said defendant having appealed said case to said court from a judgment of conviction and fine in the intendants court of Prattville and whereas the circuit court rendered a judgment of conviction against said defendant from which he appealed to the supreme court of Alabama which said court on January the

Preamble.

Amount ap-
propriated
for relief.

How paid.

24th, 1907 (see 42nd southern 986) affirmed the judgment of said circuit court and, whereas the circuit clerk of Autauga county, T. W. Smith, did upon demand of an examiner of public accounts, pay into the State treasury of Alabama a solicitors fee of \$30.00 less 5 per cent, and whereas, said solicitors fee was incorrectly and illegally charged in said case, now therefore,

Section 1. Be it enacted by the legislature of Alabama, That the sum of \$28.50 be and is hereby appropriated out of any funds in the State treasury not otherwise appropriated, for the relief of said T. W. Smith and that upon the approval of this act by the governor, the State auditor be and is hereby instructed to draw his warrant upon the State treasury for \$28.50 in favor of T. W. Smith, clerk of the circuit court of Autauga county.

Approved August 2, 1907.

No. 547.)

AN ACT

(H. 1183.

Relief of Mrs.
Mary Jane
Vernon.

For the relief of Mrs. Mary Jane Vernon, widow and sister of G. B. Alexander, a confederate pensioner. Be it enacted by the legislature of Alabama, That the auditor be instructed to draw a warrant for the amount of \$30.00 payable to Mrs. Mary Jane Vernon, which said amount being the amount due G. B. Alexander, a pensioner, who died on the 17th day of May, 1906, and whose name was dropped from the pension roll before the payment of said amount to him, or any one for him.

Approved August 2, 1907.

No. 550.)

AN ACT

(H. 1214.

For the relief of Mrs. M. A. Jones, widow of an ex-confederate soldier. Whereas, Mrs. M. A. Jones, a resident of Chambers county,

Alabama, widow of an ex-confederate soldier, has long been on the pension rolls of said county, but by mistake her name was dropped from said roll in 1906, and she failed to get her pension for that year; therefore,

Section 1. Be it enacted by the legislature of Alabama, That the sum of thirty dollars is appropriated out of the confederate pension fund now on hand for the payment of the pension for the year 1906 of said Mrs. M. A. Jones, that the State auditor is directed to draw his warrant for said sum in favor of said Mrs. M. A. Jones, payable out of said fund and forward said warrant to the probate judge of Chambers county, who shall disburse the same as required by law. Relief of Mrs.
M. A. Jones.

Section 2. That the probate judge of Chambers county and other pension officers of the State are required to restore the name of said Mrs. M. A. Jones to the pension rolls. Name restored
to pension
roll.

Approved August 2, 1907.

No. 552.)

AN ACT

(H. 879.

To dissolve the quarantice board of Mobile bay and provide for the disposition of its assets.

Section 1. Be it enacted by the legislature of Alabama, That the quarantine board of Mobile bay from and after the passage of this act shall be continued in existence only for the purpose of disposing of its assets and winding up its affairs and for no other purpose whatsoever and it shall be its duty to as speedily as may be, sell and dispose of all of the property held by said quarantine board not already heretofore sold and disposed of under authority of law, and convert the same into cash money, such disposal of the property to be either by public or private sale as in its discretion it may deem best. Sale of prop-
erty author-
ized.

Business liquidated.

Board dissolved.

Repeal.

Section 2. That as soon as the said quarantine board shall have disposed of the real and personal property now held by it and thereby converted the same into money it shall wind up and liquidate its business and affairs and pay all the liabilities if any then resting upon it, and the surplus of such money remaining in its hands it shall dispose of and distribute in the following manner that is to say: It shall pay over one-half of the same to the city of Mobile and it shall pay over the other half to the county of Mobile, and the said board after the said monies shall have been so distributed and paid over shall stand and be forever dissolved.

Section 3. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved August 2, 1907:

No. 556.)

AN ACT

(H. 985.

For the relief of Walter Cotter Co. on unexpired license as future dealers.

Preamble.

Whereas, Walter Cotter Co. were licensed by the State of Alabama, to do business as future dealers for the year 1907 in the city of Montgomery, Alabama, for which said Walter Cotter Co. paid the sum of \$500.00; and

Whereas, by an act of the legislature, approved March 7th, 1907, said license was cancelled and an additional license of \$5000.00 was imposed upon said Walter Cotter Co. to do business as future dealers; and

Whereas, said Walter Cotter Co. declined to pay said additional license and ceased to do business on April 6th, 1907, leaving an unexpired term of eight months and twenty-four days under said license.

Relief of.

Therefore, be it enacted by the legislature of Alabama, That the auditor is hereby authorized

to draw his warrant in favor of said Walter Cotter Co. on the treasurer of the State of Alabama for the sum of \$368.00 being the amount of said license unexpired on April 6th, 1907. Be it enacted that the board of revenue of Montgomery county be and are hereby authorized to draw a warrant on the county treasurer of Montgomery county for the sum of \$73.59 being the amount of the county license unexpired on April 6th, 1907.

Approved August 2, 1907.

No. 557.)

AN ACT

(H. 953.

To provide for the salaries of circuit judges whose salaries are partly paid by the counties in which said judges hold court, shall be paid. Be it enacted by the legislature of Alabama:

Section 1. That whenever the salary of a circuit judge is partly paid by a county in which said judge holds court, said salary so paid by such county shall be paid out of the treasury of such county upon the warrants of "the judge or judges of such court" in monthly installments.

Section 2. That all laws both general and local in conflict therewith, be and the same are hereby repealed.

Approved August 2, 1907.

No. 558.)

AN ACT

(H. 531.

For the relief of Beverly Jackson alias Beverly Green.

Section 1. Be it enacted by the legislature of Alabama, That the sum of one hundred dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise

Purpose of.

appropriated, to pay Beverly Jackson alias Beverly Green for time he was illegally confined at hard labor for the State from June 10th, 1905 to April 30th, 1906, inclusive.

How paid.

Section 2. That the auditor is hereby authorized to draw his warrant on the State treasurer for said sum of one hundred dollars, in favor of said Beverly Jackson alias Beverly Green.

Approved August 2, 1907.

No. 562.)

AN ACT

(H. 1269.

Relief of.

For the relief of Mrs. Catherine Morrison.

Section 1. Be it enacted by the legislature of Alabama, That the name of Mrs. Catherine Morrison be placed upon the confederate pension roll of the State for the years 1906 and 1907.

Amount appropriated.

Section 2. That the sum of sixty dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated to pay said Mrs. Catherine Morrison for a pension for the said two years.

Approved August 2, 1907.

No. 567.)

AN ACT

(H. 798.

To refund and pay back to the town of Camp Hill certain dispensary State license money collected and paid into the State treasury under and by virtue of the provisions of an act entitled an act to better provide for the revenue of the State, approved March 4th, 1903, for the privilege of operating a dispensary in the town of Camp Hill under an act entitled an act to establish and maintain and regulate a dispensary in the town of Camp Hill, Tallapoosa county, Alabama, approved

September 26th, 1903, which said act was declared unconstitutional and void, and said dispensary closed and not operated after the 31st day of March, 1904.

Section 1. Be it enacted by the legislature of Alabama, That the auditor be and he is hereby ^{Amount re-}funded. authorized and directed, on the request of the mayor of the town of Camp Hill in Tallapoosa county, Alabama, to draw his warrant on the treasurer of this State in favor of the town of Camp Hill for the sum of three hundred and thirty-three and 33-100 dollars, it being 2-3 of the amount of the dispensary license money paid into the State treasury by said town of Camp Hill for the year 1904.

Approved August 2, 1907.

No. 568.)

AN ACT

(H. 1244.

To relieve and exempt the Alabama State Fair and Exhibit Association and all persons, firms or corporations who conduct business with said association on its fair grounds in Jefferson county, during the annual fairs of said association from the payments, of all State, county, and municipal taxes and licenses.

Section 1. Be it enacted by the legislature of Alabama, That the Alabama State and Exhibit Association and all persons, firms or corporations who may conduct business with said association on its fair grounds in Jefferson county during the annual fairs of said association be, and they, each and all, are hereby relieved and exempted from the payment of all State, county and municipal taxes and licenses. ^{Exempt from tax and license.}

Section 2. That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed. ^{Repeal.}

Approved Aug. 2, 1907.

To provide for holding separate terms of the circuit court for Coffee county in the twelfth judicial circuit at Enterprise for the following portions of Coffee county, to-wit: Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; the east one half of township 2, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36, and all that portion of the territory in township 6, range 22; township 7, range 22; township 5, range 21; township 6, range 21; lying south of Pea river, and to regulate the holding of such court; to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba in said county of Coffee, defining the power of the judge and the clerk thereof, and regulating the drawing of its grand and petit jurors, and providing for the transfer of causes from the circuit court at Elba to said court held at Enterprise, and from the latter to the former, approved February 28th, 1907.

Section 11
amended.

Section 1. Be it enacted by the legislature of Alabama, That section 11 of an act entitled an act to provide for holding separate terms of the circuit court for Coffee county in the twelfth judicial circuit at Enterprise for the following portions of Coffee county, to-wit: Township 3, range 22; township 4, range 22; township 5, range 22; township 3, range 21; township 4, range 21; and the east one-half of township 3, range 20; the following sections in township 4, range 20, to-wit: 13, 22, 23, 24, 25, 26, 27, 34, 35, 36; and all that portion of the territory in township

6, range 22; township 7, range 22; township 5, range 21, township 6, range 21; lying south of Pea river, and to regulate the holding of such court, to provide buildings and accommodations therefor, making its jurisdiction within such district exclusive of the jurisdiction it exercises when sitting at Elba in said county of Coffee, defining the powers of the judge and the clerk therefor, and regulating the drawing of its grand and petit jurors and providing for the transfer of causes from the circuit court held at Elba to said court held at Enterprise and from the latter to the former, approved February 28th, 1907, be and the same is amended so as to read as follows: Section 11. That there shall be organized two regular grand juries in each year for the circuit court of Coffee county, one of which said grand juries shall be empaneled for the fall term of the circuit court at Elba, Alabama, and the other at the spring term of the circuit court at Enterprise, Alabama, and the persons composing said grand jury shall be selected from the county at large, and said grand juries when organized and empanelled shall do and perform all and singular the same duties as is now or may hereafter be required of grand juries in the circuit courts of the State, and their jurisdiction shall co-extensive throughout the entire county, and all indictments returned by either of said grand juries against parties for offenses committed in the Enterprise division, shall be made returnable to the court or courts now having jurisdiction of such offenses, or that may hereafter be conferred with jurisdiction thereof, and all indictments returned for offenses committed in the Elba division shall be made returnable to the court or courts now having jurisdiction of such offenses, or that may hereafter be conferred with such jurisdiction. That at the regular time for drawing grand and petit jurors for the circuit court of Coffee county, the jury commissioners of said county shall select from the qualified citizens of

Grand Juries.

said county not less than twenty persons to serve as grand jurors at Elba, Alabama, at the fall term of the circuit court for each year, and the same number to serve as grand jurors at the spring term of the circuit court at Enterprise for each year, and the lists of names of the persons so drawn shall be made up and disposed of in the same manner as is now provided by law. The grand juries for any special or adjourned term of the circuit court of Coffee county, held either at Elba or Enterprise, shall be selected and drawn as hereinabove provided for regular terms of said courts and as further provided by section 5002 of the code of 1896. That the court may by order spread on the minutes of the court, at any term of the court at either place, order a grand jury summoned and empaneled as provided in section 4998 of the code of 1896. A special grand jury at any regular term of the court may be summoned and empaneled as provided by section 5000 of the code of 1896, and this may be done whether a grand jury had been previously empaneled and discharged for the term.

Approved August 2nd, 1907.

No. 571.)

AN ACT

(H. 1229.

To authorize the board of directors of the State Normal School at Jacksonville for and in behalf of said normal school and for and in behalf of the State of Alabama, to sell and convey to the mayor and city council of Jacksonville a certain house and lot on or near the southeast corner of the public square of the town of Jacksonville, Alabama, the same being the house and lot formerly used and occupied by Calhoun county as a county court house and now used by said normal school for school purposes; the proceeds of said sale to be used and applied by said board of directors of the State Nor-

mal School at Jacksonville, for the benefit of said normal school. Be it enacted by the legislature of Alabama as follows:

Section 1. That the board of directors of the Authority to State Normal School at Jacksonville, for and in sell, etc. behalf of said normal school and for and in behalf of the State of Alabama, be and the same are, hereby authorized and empowered to grant, bargain, sell and convey unto the mayor and city council of Jacksonville all the right, title and interest of the said normal school and of the State of Alabama in and to a certain house and lot in the town of Jacksonville, Alabama, situated on or near the southeast corner of the public square of said town, the same being the house and lot formerly used and occupied by Calhoun county as a county court house and now used by said normal school for school purposes; and to this end the said board of directors of the State Normal School at Jacksonville are fully authorized and empowered in its name to execute any necessary deed or conveyance to effectuate the purposes of this act and consummate the sale and conveyance of said house and lot to the mayor and city council of Jacksonville.

Section 2. That the proceeds of the sale of the house and lot described in section 1 of this act shall be payable to and receivable by the said board of directors of the State Normal School at Jacksonville, and the same shall be and constitute assets in their hands to be used and expended by said board in the interest and for the benefit of said normal school as said board may adjudge or see fit.

Approved Aug. 2, 1907.

No. 581.)

AN ACT

(S. 547.

To appropriate the sum of \$537.72 to pay the expenses of the fertilizer and cotton seed oil mill investigating committee and for the disbursement of the same.

Amount ap-
propriated.

Purpose of

How paid.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of five hundred and thirty-seven (\$537.72) dollars and seventy-two cents to defray the expenses of the fertilizer and cotton seed oil mill investigating committee.

Section 2. That on and after the passage of this act the auditor shall upon the written request of the chairman of the fertilizer and cotton seed oil mill investigating committee, issue a warrant to the party or parties named in said request for the amount or amounts named therein, said request shall state for what purpose said warrant is to be issued and shall be signed by the chairman. Provided the total amount paid hereunder shall not exceed said sum of five hundred and thirty-seven and 72-100 (\$537.72) dollars.

Approved August 2, 1907.

No. 582.)

AN ACT

(S. 548.)

For the relief of Mrs. M. J. Smyley of Marengo county, the widow of a confederate soldier.

Relief of.

Section 1. Be it enacted by the legislature of Alabama, That the sum of thirty dollars is hereby appropriated out of any money now in the State treasury to the credit of the pension fund, and not otherwise appropriated, for the relief of Mrs. M. J. Smyley of Marengo county, the widow of a confederate soldier, who was by an error of the county board not reported for the year 1905.

When paid.

Section 2. That immediately upon the passage and approval of this bill, the auditor shall draw his warrant upon the State treasurer for said sum of thirty dollars in favor of Mrs. M. J. Smyley.

Approved August 2, 1907.

No. 593.)

AN ACT

(S. 326.

To repeal an act entitled an act to amend section 4630 of the code of 1896 of Alabama so far as the same relates to beats 10 and 11 of Bibb county, Alabama, approved Feb'y 21st, 1899. Be it enacted by the legislature of Alabama:

Section 1. That an act entitled "An act to amend section 4630 of the code of 1896 of Alabama so far as same relates to beats 10 and 11 of Bibb county, Alabama, approved Feb'y 21st, 1899, be, and the same is hereby repealed.

Section 2. This act shall not go into effect until the 15th day of November, 1908.

Approved August 1907.

No. 600.)

AN ACT

(H. 1179.

To provide for the celebration of the one hundredth anniversary of the battle of Tohopeka or Horseshoe Bend in 1814. Be it enacted by the legislature of Alabama:

Section 1. That a commission of seven members is created for the purpose of making a study of the battle of Tohopeka or Horseshoe Bend, fought in the limits of the present county of Tallapoosa in the State of Alabama, between the Americans and the Creek or Muscogee Indians, on March 27, 1814, and for the purpose of preparing plans and details for the appropriate celebration on or about March 27, 1914, of the one hundredth anniversary of that historic event.

Section 2. That the said commission shall be composed of the governor, the director of the department of archives and history and of five members to be appointed by the governor in whom is also vested the authority to fill any

vacancies which may be caused by death, resignation or otherwise. The terms of service of the appointive members of the commission shall continue during the existence thereof, or until the celebration of the said anniversary. The commission shall have power to adopt rules for its government and work; and its members shall serve without compensation.

Report of commission.

Section 3. That the commission shall make a full and detailed report to the next ensuing regular session of the legislature, in which shall be set forth the results of its investigations, accompanied by copies of documents and maps, with such recommendations as may be deemed desirable for carrying out the plans arranged for the said celebration; and under the supervision of the director of the department of archives and history the said report shall be printed and bound, the cost thereof to be paid by the State auditor out of the public printing fund.

Approved August 6, 1907.

No. 601.)

AN ACT

(H. 1232.

To make further provisions for defraying the expenses of the legislature.

Amount appropriated.

Section 1. Be it enacted by the legislature of Alabama, That twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any monies in the treasury not otherwise appropriated, to pay the per diem mileage of the members, officers and employees of the legislature of Alabama, and other expenses thereof for the present session.

Approved Aug. 6, 1907.

No. 603.)

AN ACT

(S. 390.

To create "The Alabama Monument Commission."

Section 1. Be it enacted by the legislature of Alabama: (1) That there is hereby created a ^{Commission created.} "The Alabama Monument Commission," to consist of eight confederate veterans, representing as nearly as possible the several branches of the service, to be appointed by the governor, and also of the incumbents ^{Members of.} for the time being of the offices of the commander of the Alabama division, United Confederate Veterans, the commander of the Alabama division, United Sons of Confederate Veterans, and the director of the State department of archives and history. ^{Officers of.} (2) The governor of the State shall be president, and the director above named shall be secretary and historian of the commission. ^{Rules of.} (3) The commission is empowered to adopt rules for its guidance and for the execution of the powers and duties herein imposed, and five members shall constitute a quorum. ^{Record of pro-} (4) It shall keep a careful record of its proceedings ^{ceedings.} and shall make an annual report to the governor, to be printed as other official reports. (5) In the ordinary conduct of its business and in attendance upon meetings, the members shall serve without charge or compensation, but if it is found necessary by the commission for a member or members to personally inspect or visit a ^{Expenses.} military park, or other point in connection with the marking, monumenting, locating or identifying the same or any point or place therein, then and in such event the actual expenses of such member or members may be paid while so engaged.

Section 2. That the commission shall have ^{Authority and} the authority and it shall be its duty to act for ^{duty.} and to officially represent Alabama on all subjects, inquiries and matters connected with or

growing out of the part performed by troops from this State in the war between the confederate States and the United States, which may arise in connection with the location and identification of their position or part in any battle or engagement, or upon any battlefield, or in connection with the appropriate determination, location, identification or marking of such part or position, or in connection with the appropriate marking or monumenting of spots or occurrences made historic by their services or sacrifices, whether in the several military parks or on some other battlefield, or in prison or other cemeteries, or other historic spots or places.

Placing of
monuments,
etc.

Section 3. That the commission, unless otherwise provided, shall have charge of the erection and shall direct the expenditure of all appropriations for the placing of monuments, memorials or markers to Alabama troops in the war as above set forth.

Amount ap-
propriated for
expenses of.

Section 4. That the sum of one thousand dollars is hereby appropriated for the expenses of the commission in the execution of its duties, the said sum to be drawn only on the approval of the governor.

Approved August 6, 1907.

No. 604.)

AN ACT

(H. 923.

To provide that all confederate soldiers, sailors and their widows, who are now drawing a pension and who are over the age of eighty years, shall be entitled to and receive a pension of the first class.

Pensioners
entitled to
pensions of
first class.

Section 1. Be it enacted by the legislature of Alabama, That all confederate soldiers, sailors, and their widows, who are now on the pension rolls of the State of Alabama, and who are over the age of eighty years, shall be entitled to and receive a pension of the first class and be classed as pensioners of the first class.

Section 2. That proof of the age prescribed in section 1 may be made at any time by the affidavit of any competent witness taken before and certified by the judge of probate of any county, and when so made, the judge of probate shall immediately forward same to State auditor, and the said auditor shall forthwith place such person on the pension roll of the first class. Proof as to age.

Approved Aug. 6th, 1907.

No. 605.) AN ACT (H. 1104.

For the relief of Mary Marler, Mary J. Simpler, widows of confederate soldiers, and A. Campbell, a confederate soldier, being residents of Crenshaw county, Alabama.

Whereas, Mary Marler, Mary J. Simpler, and A. Campbell had long been on the pension roll of Crenshaw county, Alabama, but for the year 1906 their names were dropped from said roll through mistake. Preamble.

Section 1. Be it enacted by the legislature of Alabama, That the State auditor be and he is hereby required to draw his warrant on the treasurer of Alabama for thirty dollars for each of said pensioners for the year 1906 to be paid by the State treasurer out of any balance in the pension fund of the State. Auditor to draw warrant.

Approved August 6, 1907.

No. 608.) AN ACT (H. 682.

For the relief of the school trustees of township four (4), range eight (8), west of Lawrence county, Alabama.

Whereas, the school trustees of township four (4), range eight (8) west of Lawrence county, Preamble.

Alabama, did pay to the State of Alabama as taxes on section sixteen, township four and range eight west of Lawrence county, Alabama, during the year 1890 the sum of \$10.85, during the year 1891 the sum of \$9.69, during the year 1892 the sum of \$9.69, during the year 1893 the sum of \$11.84, during the year 1894 the sum of \$11.84, during the year 1895 the sum of \$12.92, during the year 1896 the sum of \$12.92, during the year 1897 the sum of \$12.92, during the year 1898 the sum of \$12.92, during the year 1899 the sum of \$16.16, during the year 1900 the sum of \$16.56, during the year 1901 the sum of \$16.50, during the year 1902 the sum of \$16.50, and during the year 1903 the sum of \$13.00, making in the aggregate the sum of \$184.35, and whereas said sum of money was erroneously paid and through a mistake the said section 16, township 4, range 8 west being school land and not subject to State taxes, and for the purpose of reimbursing said school trustees for said sum of money erroneously paid by them.

Relief of
school trustees.

Section 1. Be it enacted by the legislature of Alabama, That the sum of one hundred, eighty-four and 35-100 dollars (\$184.35) is hereby appropriated out of any money in the State treasury, not otherwise appropriated to the trustees of township four (4), range eight (8) west of Lawrence county, Alabama, to reimburse said trustees for taxes erroneously paid to the State of Alabama on said school land.

How paid.

Section 2. That upon the approval of this act by the governor the State auditor is hereby directed and required to draw his warrant for the said sum of \$184.35, in favor of the secretary and treasurer of the board of trustees of township four, range eight west of Lawrence county, Alabama, payable out of any money in the treasury not otherwise appropriated.

Approved August 6, 1907.

No. 609.)

AN ACT

(H. 562.)

To regulate the practice of pharmacy and the sale of poisons in the cities and towns of more than nine hundred inhabitants in the State of Alabama and fixing the penalty for violations thereof and to repeal chapter 89 of the civil code of Alabama 1896, and section 5335 of the criminal code of Alabama 1896 and all other laws in conflict with the provisions of this act. Be it enacted by the legislature of Alabama:

Section 1. That the governor shall appoint ^{Board of} three persons from among the most prominent ^{Pharmacy.} pharmacists of the State of Alabama all of whom shall have been residents of the State for five years, and of at least five years practical experience in their profession who shall be known and styled "Board of Pharmacy for the State of Alabama" one of whom shall hold his office for ^{Term of office.} one year, one for two years, and one for three years, and each until his successor shall be appointed, and qualified; and each year thereafter, another person to be selected by the governor who shall possess the same qualifications as hereinabove set out shall be so appointed for a term of three years and until a successor is appointed and qualified. If a vacancy occur in said ^{Vacancies; how filled.} board by death, resignation, inability or otherwise, another shall be appointed by the governor who shall possess the same qualifications as hereinabove set out, to fill the unexpired term thereof. Provided, the members of the present board of pharmacy for the State of Alabama, shall serve until the expiration of the respective terms for which they have been appointed. Said board shall have power to make by-laws and all necessary regulations and create auxiliary boards if necessary, for the proper fulfillment of their duties under this act, without expense to the State.

Pharmacy,
etc., who can
conduct.

Section 2. That from and after the passage of this act it shall be unlawful for any person not a registered pharmacist within the meaning of this act to conduct any pharmacy, drug store, apothecary shop, or store, located in any village, town or city in the State of Alabama, of more than nine hundred inhabitants, for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than twenty-five dollars nor more than fifty dollars for each and every offense.

Penalty for
violation.

Registered
Pharmacist.

Section 3. That it shall be unlawful for the proprietor of any store or pharmacy in any village, town or city in the State of Alabama of more than nine hundred inhabitants or within two miles of any incorporated city or town of more than nine hundred inhabitants to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons for medical use, except as an aid to and under the supervision of a registered pharmacist. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

Penalty for
violation.

Registry kept
by Board of
Pharmacy.

Section 4. That the board of pharmacy shall register in a suitable book, the names and places of residence of all persons to whom they issue certificates, and dates thereof. Provided, that nothing in this act shall apply to any person holding a certificate as a registered pharmacist in the State of Alabama, at the time this act goes into effect, and provided further that the State board of pharmacy may issue a certificate without examination to any person holding an authorized certificate as a registered pharmacist from such other State boards of pharmacy as

may be recognized by the said board of pharmacy for the State of Alabama.

Section 5. That the said board of pharmacy Examination, shall upon the application, made in such form as provided for. may be required by said board, and at such time and place and in such manner as they may determine either by a schedule of questions to be answered and subscribed under oath, or orally, examine each and every person, who has had a practical experience of one year in compounding physicians prescriptions, and in the general duties of pharmacy and who is a person of good moral character and temperate habits, who shall desire to conduct the business of selling at retail, compounding or dispensing drugs, medicines or chemicals for medicinal use, or compounding or dispensing physicians prescriptions as pharmacists, and if a majority of said board shall be satisfied that said person is competent and fully qualified to conduct said business of compounding or dispensing drugs, medicines or chemicals for medicinal use, or to compound or dispense physicians prescriptions, they shall enter the name of such person as a registered pharmacist in a book provided for it in section four of this act. Provided that any person or persons not a pharmacist or druggist may open and conduct such store if he or they keep constantly in their employ a registered pharmacist or druggist; but shall not himself or themselves sell or dispense drugs or medicines except proprietary and patent medicines in original packages.

Section 6. That the board of pharmacy shall Amount of examination fee. be entitled to demand and receive from each and every person they examine orally, or where answers to a schedule of questions are returned subscribed to under oath, the sum of five dollars, which shall be in full for all services; and in case the examination of said person shall prove defective, insufficient or unsatisfactory and his name not be registered, he shall be permitted to present himself for examination with-

in any period not exceeding twelve months, thereafter, and no charge shall be made for such examination.

Section 7. That every registered pharmacist, apothecary or owner of a drug store shall be held responsible for the quality of all drugs, chemicals or medicines he may sell or dispense; with the exception of those sold in original packages of the manufacturer, and also those known as proprietary, and should he knowingly intermingle and fraudulently adulterate or cause to be adulterated, such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be liable to a penalty not exceeding two hundred dollars and in addition thereto his name shall be stricken from the register.

Proprietor responsible for drugs sold.

Penalty.

Section 8. That it shall be unlawful for any person from and after the passage of this act to retail any poisons enumerated below: Arsenic and any of its preparations, corrosive sublimate, white and red precipitate, biniode of mercury, cyanide potassium, hydrocyanic acid, strychnine and all other poisonous vegetable drugs, alkaloids and their salts and the essential oil almonds, opium and its preparations, except paragoric and other preparations of opium containing less than two grains to the ounce; aconite, belladonna, colchicum, conium nuxvomica, henbane, sabin, ergot, cotton root, cantharides, creosote, veratrum, digitalis and other pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic and oxalic acids, without labeling the box, vessel or paper in which said poison is contained with the name of the article, the word "Poison" and the name and place of business of the seller, nor shall it be lawful for any person to deliver or sell any poison enumerated above unless upon inquiry it is found that the purchaser is aware of its poisonous character and represents that it is to be used for a legitimate purpose. The provisions of this section shall not apply to

Unlawful to sell without label.

the dispensing of poisons in not unusual quantities or doses upon the prescription of practitioners of medicine; that it shall be unlawful to sell, give away or exchange or otherwise dispose of, within this State, at retail cocaine and its salts, encaine and its salts, morphine except upon the prescription of a duly and legally licensed physician, surgeon or dentist and then only, in quantities not exceeding five (5) grains unless prescribed with other drugs, in quantities not exceeding five grains unless prescribed with other drugs; except upon the prescription of a duly and legally licensed physician, surgeon or dentist; that such prescription shall not be refilled, except by order of the physician, surgeon or dentist originally prescribing the same. That it shall be unlawful to sell, offer or expose for sale or otherwise dispose of or have in possession any preparation or product intended for the use of man, either for internal or external purposes, which contain methyl alcohol or wood-spirits. Provided, that nothing in this act shall be construed to restrict or prohibit sales of any of the above enumerated articles in bulk to each other by importers, jobbers, manufacturers, or retailers, in original packages. Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than one hundred dollars for each and every offense.

Penalty for violation.

Section 9. That any itinerant vendor of any drug, poison, ointment or appliance of any kind, intended for treatment of any disease or injury, who shall by writing or printing, or any other method, publicly profess to cure or treat disease or injury or deformity by any drug, nostrum or manipulation, or other expedient, shall pay a license of \$100 per annum to the State to be paid in the manner for obtaining public license, or according to the usual laws for that purpose. Any person violating any of the provisions of this section shall be deemed guilty of a misde-

License on itinerant vendor.

Penalty for violation.

meanor, and on conviction shall be fined \$100 for each and every offense.

Penalty for false representation as to registration.

Section 10. That any person who shall procure or attempt to procure registration for himself or for another, under this act, by making or causing to be made false representation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than \$25 nor more than \$100, and the name of the person so falsely registered shall be stricken from the register. Any person not a registered pharmacist as provided for in this act, who shall conduct a store, pharmacy or place for retailing, compounding or dispensing drugs, medicines or chemicals, for medicinal use, or for compounding or dispensing physician's prescriptions, or who shall take, use or exhibit the title of registered pharmacist, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a penalty of not less than \$100.

Penalty for person not a registered pharmacist keeping drug store.

Physicians allowed to put up own prescriptions.

Section 11. That this act shall not apply to physicians putting up their own prescriptions.

Certificate of registration posted.

Section 12. That it shall be the duty of every registered pharmacist to conspicuously post his certificate of registration in his place of business. Any person who shall fail to comply with all the provisions of this section, shall be liable to a fine of five dollars for each calendar month during which he is delinquent.

Penalty for failure.

Expenses of board; how paid.

Section 13. That the sum of \$500 per year, or as much thereof as may be found necessary, is hereby appropriated out of the moneys so received for license for the expense of said board of pharmacy, all surplus over and above said amount to be divided as follows: one-half to the Alabama Pharmaceutical Association, and the remainder to be paid into the State treasury.

Suits.

Section 14. That all suits for the recovery, of the several penalties prescribed in this act shall be presented in the name of the State of Alabama in any court having jurisdiction, and it shall be the duty of the State's attorney of the county wherein such offense is committed to

present all persons violating the provisions of this act, upon proper complaint being made.

Section 15. That chapter 89 of the civil code of Alabama 1896 be and the same is hereby repealed. Chapter 89 of Code repealed.

Section 16. That section 5335 of the criminal code of Alabama 1896 be and the same is hereby repealed. Section 5335 of Code repealed.

Section 17. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal.

Section 18. That this act shall take effect January 1st, 1908. Effect.

Approved August 6, 1907.

No. 610.)

AN ACT

(H. 185.

For the relief of Major David M. Scott, of the Alabama National Guard, Whereas, Major David M. Scott of the Alabama National Guard received permanent personal injuries on the 22nd day of July, 1905, while in the discharge of duty as an officer of the National Guard, under orders from the governor of the State; and whereas said injuries have cost him in surgical and medical fees, and in lost time, the sum of eleven hundred and twenty-nine and 45-100 dollars, therefore, Preamble.

Section 1. Be it enacted by the legislature of Alabama, That an appropriation of eleven hundred and twenty-nine and 45-100 dollars be, and the same is hereby made for the relief of Major David M. Scott. Amount appropriated.

Section 2. That the amount of money named in the foregoing section shall be paid out of any money in the treasury, not otherwise appropriated, and the State auditor be, and he is hereby authorized and required to draw his warrant on the treasurer for the amount named in section 1 How paid.

of this act in favor of said Major David M. Scott.
Approved August 6, 1907.

No. 611.)

AN ACT

(H. 1186.)

To provide for the publication of State papers,
official records and of historical materials
of the State of Alabama.

Preamble.

Whereas, the director of the department of archives and history under the requirements of the law establishing said department, has compiled or caused to be compiled several volumes of important data and materials for the history of the State, including a full collection of the messages of the governors of Alabama, a collection of all laws creating counties, altering county boundaries, or fixing or changing county seats, an Alabama local history collection, a series of narrative histories or historical sketches of Alabama commands in the war of secession, besides other important and valuable collections, as well as many valuable manuscripts; and, whereas, it is desirable that they be punished and thereby made available for the use of the people of Alabama and elsewhere who may be interested in the history or life of the State, its institutions or its public characters, therefore,

Printing and
binding au-
thorized.

Be it enacted by the legislature of Alabama, That the director of the department of archives and history be and he is hereby authorized to contract for the printing and binding of the said volumes, or of any others of like character which he may cause to be compiled, and the State auditor is authorized and directed to pay for the said printing and binding out of the public printing fund, on the certificate and order of the director of the said department of archives and history.

How paid.

Approved August 6, 1907.

No. 615.) AN ACT (S. 608.

To provide that no license or taxes of any character shall be required by the State, county or municipality from the Alabama Agricultural Association or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress.

Section 1. Be it enacted by the legislature of Alabama, That no license or taxes of any character shall be required by the State, county or municipality from the Alabama Agricultural Association or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress. ^{Exempt from license and tax.}

Section 2. That all laws or parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed. ^{Repeal.}

Approved August 6, 1907.

No. 618.) AN ACT (S. 571.

For the relief of Jno. S. Bonner, a disabled and ex-confederate soldier of Pickens Co., Ala.

Be it enacted by the legislature of Alabama, That the sum of \$30.00 for 1907 be and the same is hereby appropriated for the benefit of Jno. S. Bonner, as a confederate pensioner for said year his name having been erroneously omitted from the list of pensioners for said year, and the auditor is hereby authorized and directed to draw his warrant or warrants therefor upon the treasurer in favor of said Jno. S. Bonner and the treasurer is hereby authorized and directed to pay the same out of any funds in the treasury not otherwise appropriated. ^{Relief of J. S. Bonner.}

Approved August 6, 1907.

No. 624.)

AN ACT

(H. 906.)

To appropriate a sum of money to pay for the stationery and stationery supplies used by the legislature of Alabama during this present session.

Amount appropriated.

Purposes of.

Auditor to issue warrant.

Section 1. Be it enacted by the legislature of Alabama, That the sum of fifteen hundred (\$1500.00) dollars, or as much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the treasury to pay for the stationery and stationery supplies used by the legislature of Alabama and the employees thereof during this present session.

Section 2. That the auditor is hereby authorized to issue his warrants for such amounts as may be certified to by the secretary of State.

Approved August 6, 1907.

No. 625.)

AN ACT

(H. 1369.)

For the relief of A. J. Brooks of Jefferson county, Alabama. Be it enacted by the legislature of Alabama:

Relief of A. J. Brooks.

Section 1. That the auditor be and he is hereby directed to draw his warrant on the treasurer of Alabama for the sum of two hundred and thirty and 19-100 dollars \$230.19 in favor of A. J. Brooks of Jefferson county, Alabama. Said amount is due said A. J. Brooks as balance of salary as commandant of the Confederate Soldiers' Home at Mountain Creek.

Approved Aug. 6th, 1907.

No. 628.)

AN ACT

(H. 1008.)

To establish the law and equity court of Mobile.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby established in ^{Court estab-}lished. and for the county of Mobile a law and equity court of record, which shall be called the law and equity court of Mobile, and which court shall have and exercise all the ju- ^{Jurisdiction}risdiction, original and appellate, and all ^{and Power.} powers, which now are or may hereafter be, by law, conferred upon the several circuit and chancery courts of the State, except said court shall not have jurisdiction to try criminal cases. When exercising the powers and jurisdiction of courts of equity, it shall conform to the rules of procedure and practice in the chancery courts of this State, and when exercising the powers and jurisdiction of courts of law, it shall conform to the rules of procedure and practice of circuit courts of this State, except where rules of procedure are changed by this act. Provided, That the presiding judge of said court shall have power to make and adopt such ^{Rules of prac-}rules of practice as may be required by a proper ^{tice.} system of practice for said court, and to amend the same as may be expedient. Said rules shall be recorded upon the minutes of said court.

Section 2. That a judge for said court shall ^{Judge of}be appointed by the governor within thirty days ^{court.} after the approval of this act, whose term of office shall continue until the election of 1908, after which time said judge shall be elective by the qualified voters of Mobile county. At the election for State officers in November, 1908, said judge shall be elected by the qualified voters of Mobile county; said judge so elected shall hold office until the next general election for circuit judges and chancellors at which time and every six years thereafter, the judge of said court shall be elected by the qualified voters of Mobile county as circuit judges and chancellors are elected. Such judge shall have and exercise all the jurisdiction and powers which are now and hereafter ^{Jurisdiction}may be lawfully exercised by judges of the ^{and powers of.}circuit court or chancellors of this State, including

	authority to issue all writs which are now or may hereafter be lawfully issued by judges of the circuit court or chancellors of this State.
Clerk of court.	Section 3. That the clerk of the circuit court of Mobile county shall be ex-officio the clerk of said law and equity court of Mobile on the law side of said court and shall have all the powers
Duty and powers.	and be liable to perform all the duties and shall be subject to all the penalties in such court as in like cases in the circuit court now or hereafter provided by law, and shall be entitled to the same fees as in like cases in the circuit court now or hereafter allowed by general law.
Register.	Section 4. That the register in chancery of the chancery court of Mobile county shall be ex-officio the register of said court on the equity side of said court and shall have all the powers and be liable to perform all the duties and be subject to all the penalties in such court as in like cases in the chancery court now or hereafter provided by law, and said register shall be entitled to the same fees as in like cases in the chancery court now or hereafter allowed by general law.
Duties, etc.	
Deputy clerk and register.	Section 5. That said clerk of the circuit and said register in chancery as ex-officio clerk and register respectively, shall each appoint a deputy especially for said law and equity court, provided the same person may be both deputy register and deputy clerk for said law and equity court. All of the acts of such deputy shall be performed in the name of such register or clerk.
Powers, etc.	Said deputy-register and said deputy-clerk shall possess all the powers and authority, both ministerial and judicial, now or hereafter possessed by such clerk or register respectively. Said deputy-register shall be paid a salary of \$62.50 per month, and said deputy-clerk shall be paid a salary of \$62.50 per month, which shall be paid monthly out of the treasury of Mobile county; in the event the same person is both deputy-register and deputy-clerk, he shall receive both salaries.
Salary of.	
How paid.	

Section 6. That in the event that either the clerk of the circuit court or the register in chancery at Mobile be put upon a salary, the judge of said law and equity court shall appoint a clerk of said court who shall be called clerk and register and thereupon be clerk of the law side, and register of the equity side of said court and hold his office until his successor shall have been elected at the general election held in 1910 and duly qualified. Immediately upon his qualification the ex-officio service of the clerk of the circuit court and register in chancery shall cease. Thereafter said clerk of said law and equity court shall be elected in like manner and at the same time as clerks of the circuit courts. Said clerk shall give bond in the sum of ten thousand (\$10,000.00) dollars with surety to be approved by the judge of said court and filed with the probate judge of Mobile county; said bond may be increased at any time upon the order of the presiding judge of said court; said clerk on the law side of said court shall have all the powers and authority, ministerial and judicial, now or hereafter vested in the clerk of circuit courts, and on the equity side of said court he shall have all the powers and authority, both ministerial and judicial, now or hereafter vested in the registers in chancery. And in such event the clerk of said court shall receive a salary of three thousand (\$3,000.00) dollars per annum, payable in monthly installments out of the treasury of Mobile county. Said clerk may appoint a deputy, whose appointment shall be entered on the minutes of said court and who shall be vested with all the powers and authority of said clerk, and whose acts shall be performed in the name of said clerk, and for whose acts said clerk and the sureties on his bond shall be responsible. The compensation of said deputy shall be fixed by the board of revenue and road commissioners of Mobile county and paid in monthly installments out of the Mobile county treasury. The same fees shall be taxed in causes on the law side of

In event Clerk
or Register
put on salary.

Bond.

Powers, etc.

Salary.

Deputy.

The Compensation.

Fees.

said court as are allowed by general laws to clerks of circuit courts, and in causes on the equity side the same fees as are allowed by general laws to registers in chancery. Said fees shall be collected by said clerk and by him turned into the treasury of Mobile county.

Term of court. Section 7. That said court shall have one term per year, beginning on the first Monday of October and lasting until and including the 31st day of July next following. The presiding judge of said court may adjourn said court for as long a time during the term as to him seems proper. The absence of the presiding judge for any length of time shall not cause a lapse of the term, but the clerk or the register, or both together, may adjourn said court, or the judge thereof may by written order transmitted to and filed with said clerk or register, order said court adjourned until any time he or they think proper. No term shall for any cause, be adjourned sine die until the time for the ending thereof fixed by law. Said presiding judge may reconvene said court for the transaction of any business at any time, by consent of the parties before the time fixed by previous order of adjournment. Provided, that the first term of said court shall begin as soon as said court can be organized.

Where court held.

Section 8. That said court shall be held at a place to be provided from time to time in the city of Mobile, by the board of revenue and the road commissioners of Mobile county. Said board of revenue and road commissioners shall also provide such stationery, books and furniture and facilities as may be necessary for the proper transaction of the business of said court.

Seal of court.

Section 9. That said court shall adopt a seal therefor, the form of which shall be entered upon the minutes of said court, said seal may be made in duplicate so that each side of said court may be provided therewith.

Juries; how drawn.

Section 10. That juries for the trial of jury cases shall be drawn in open court by the clerk when ordered by the presiding judge, in the same

manner now or hereafter provided by law for drawing of jurors in the Mobile circuit court. The jurors shall receive the same compensation as jurors serving in the circuit court, payable out of the Mobile county treasury in like manner.

Section 11. That it shall be lawful for causes ^{Causes trans-} to be transferred by consent of all parties there-ferred. to, or their counsel of record, from the chancery court of Mobile, or from the circuit court of Mobile, to said law and equity court, or from said law and equity court to the chancery court of Mobile, or to the circuit court of Mobile; consent of all parties or their counsel of record to be put in writing, and filed in both courts. When suits are by or against minors or insane persons, said consent may be executed by their guardians, next friend or guardians at litem. In the event of such transfer from one court to another, the clerk or register shall transmit the original file of papers to said court to which the same is transferred, and said cause shall stand for further proceedings therein as if originally brought in the court to which the same is so transferred, and in such event no final record of said cause shall be made in the court from which the same is so transferred.

Section 12. That in all cases commenced in ^{Trials.} said court by summons and complaint or bill in equity, the defendant shall be required to appear and demur, answer or plead to the complaint or bill within thirty days after the service of the summons upon him, whether such service be in term time or vacation; and in all cases at law commenced by attachment, if the cause of action is due, the complaint must be filed in ten days after the issuance of the attachment, and the defendant shall appear and demur or plead within thirty days after the levy of attachment and service of notice thereof or in case the suit is against a non-resident or other person upon whom service may be had by publication, within thirty days after service is perfected by such

publication, if the cause of action is not due, complaint must be filed in three days after it becomes due, and the defendant must plead or demur in three days thereafter, but no judgment by default, in any case, shall be entered until five days after the complaint has been filed; and in all cases the defendant must appear and plead or demur within thirty days after perfection of such service upon him and in all cases, whether commenced by summons and complaint, attachment, bill or otherwise, the defendant failing for more than the time hereinabove provided to appear and demur, or plead or answer, shall be held to be in default, and at any time thereafter, judgment by default, or decree pro-confesso, on motion of the plaintiff, may be rendered against him, provided, however, that the court may, for good cause shown, allow such judgment so obtained by default, or decree pro-confesso, to be set aside, and demurrers, pleas or answer to be filed on such terms as the court may think just; but no application to set aside such judgment or decree unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court, unless accompanied by an affidavit by the defendant or his agent or attorney to the effect that in the belief of the affiant the defendant has a lawful defense to such suit.

Garnish-
ments.

Section 13. That all garnishments issued from said court shall require an answer thereto within thirty days after the service thereof; and upon a failure of any garnishee to make answer within thirty days he shall be deemed in default and a judgment nisi may be rendered against him upon motion of the plaintiff if the plaintiff is otherwise entitled to such judgment nisi, and unless otherwise ordered by the court, all citations, rules, writs of scire facias and notices issuing from said court shall require the party against whom they are issued to appear and plead or answer within thirty days after

the service thereof, and if the citations or notices are to be given by publication within thirty days after the perfection of the service by publication, and all cases, whether commenced by summons and complaint, attachment, bill or otherwise, shall be deemed to be triable upon the appearance of the defendant and his pleading, or if he does not appear within thirty days after the publication of service upon him, at the end of such thirty days. All contests of answers of garnishees shall be filed within thirty days after the filing of such answer, and unless the time therefor be extended by the court, the right to contest shall be thereafter waived.

Section 14. That every Monday of the term ^{Return day.} may be the return day for any and all process in said court, both mesne and final; provided, however, that mesne or final process may issue in any cause on application of parties causing such issuance to any return day not exceeding six months after the date of issuance. That all regular and mesne process, notices, citations, and writs of scire facias, shall be executed instant, and unless otherwise provided by law shall be returned immediately upon the execution thereof by the officer executing the same.

Section 15. That all cases brought by appeal ^{Cases on ap-} or certiorari from justices of the peace or other ^{peal to.} inferior courts to said court, shall stand for trial at any time after ten days notice of the taking of such appeal shall have been given to the adverse party, as required by law.

Section 16. That in all cases at law tried in ^{Trial of cases} said court, whether commenced by summons and ^{at law.} complaint, attachment or otherwise, the issues and questions of fact shall be tried by the court without the intervention of a jury unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time he appears, or by any person interested in such issue or question at the time he appears; such demand must be made by the plaintiff or party occupying the position of plaintiff, by endorsing

the same in writing upon the summons and complaint, attachment, petition, claim or other paper filed by him for the purpose of instituting such suit, or when he intervenes without suing out process, upon the pleadings or paper filed by him for the purpose of presenting such issue or question of fact; and by the defendant or other party occupying the position of defendant, including garnishees, by endorsing such demand in writing upon the demurrer, plea, answer, or other pleading filed by him; and when a cause is transferred to said court from the circuit court it shall be tried by the court without a jury unless at the time of argument made for such transfer a demand for a trial by jury be made in writing and filed in said cause; and in all cases brought by appeal or certiorari from judgments of justices of the peace or other inferior tribunals, the issues and questions of fact shall be tried by the court without jury unless a demand for trial by jury be made in writing and filed in the cause by the party taking the appeal at the time he takes the same, or by the opposite party within ten days after he has been served with notice of the appeal; provided, that the judge of said court may order any cause or issue of fact, which by law may be tried by jury, to be so tried by jury.

Conclusion
and judgment of court
may be presented to Supreme Court
on appeal.

Section 17. That in the trial of any cause at law by said court, without a jury, in addition to the questions which may be under existing laws, presented to the supreme court of the State for review, either party may by bill of exceptions, also present on appeal for review, the conclusions and judgment of the court upon the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence; and in such case, if they find that there is an error, they shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as to the supreme court shall seem right.

Section 18. That appeals or writs of certiorari may be taken to said court hereby established from the judgment of justices of the peace or other inferior courts in the county of Mobile in all civil cases in which appeals or writs of certiorari may be by law taken from such judgments to the circuit court of said county, and in the same manner. Appeals to.

Section 19. That the supreme court of this State shall have appellate and supervisory jurisdiction over said court and the judges thereof, which may be exercised in the same manner and in the same cases as such jurisdiction may be exercised over the circuit or chancery court or the judges thereof; and appeals may be taken from the judgments, orders and decrees of said court to the supreme court in the same manner, within the same time, and in the same cases as appeals are taken from judgments, orders or decrees of the circuit or chancery court to the supreme court. Jurisdiction of Supreme Court.

Section 20. That after ten days from the rendition of any judgment or final decree, unless otherwise directed in said judgment or decree, the clerk or register of said court shall issue execution, returnable as hereinbefore provided. Provided, however, that nothing herein contained shall prevent any person from having execution issued within said ten days, upon making affidavit as now provided by law, in relation to the issue of execution upon judgments in the circuit court; and provided further, that nothing contained herein shall prevent the superseding of execution after the issue thereof upon giving supersedeas bond as now required by law. Executions.

Section 21. That all laws of a general nature now in force or that may hereafter be enacted giving or extending jurisdiction to the circuit and chancery courts, shall be held to extend and apply to said court, although the said court may not be mentioned therein, unless the contrary be expressly provided and unless they are contrary to the provisions of this act. Laws applicable.

Bills of excep-
tions.

Section 22. That all bills of exception relating to the trial of causes or issues in said court, must be signed by the judge who presides at such trial within thirty days after the day on which was tried the issue or issues of fact to which said bill of exceptions relate, unless the time for signing such bill of exceptions is extended by agreement of parties or by order of said judge as now or may be authorized by law, respecting the signing of bills of exceptions in the circuit court; such extended time shall not extend beyond six months from date of such trial.

Final judg.
ments and de-
crees.

Section 23. That final judgments and decrees rendered in said court shall, after the expiration of thirty days from their rendition, be taken and deemed as completely beyond the control of the court, as if the term of said court at which said judgments or decrees are rendered, had ended at the end of said thirty days; provided, however, that nothing herein contained shall prevent parties from applying for a new trial or rehearing within said thirty days, or destroy or change the effect of motions for new trials or rehearings when so made, or shall prevent parties from applying to said court for a rehearing under the statute authorizing applications for rehearing in the circuit court, or shall prevent the court from retrying any cause under section 3341 of the code of Alabama, or shall prevent the court from exercising any power or jurisdiction conferred upon the circuit court touching final judgments or upon the chancery court touching final decrees.

Witnesses; at-
tendance of.

Section 24. That all the witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify, and unless they prove their attendance within that time, their fee shall not be taxed as costs nor shall the same be recoverable against either party.

Venue, change
of.

Section 25. That the venue in any cause in said court may be changed to other county than Mobile county under the same rules and regulations that

govern changes of venue in the circuit courts of the State.

Section 26. That the sheriff of said county shall be in person or by deputy required to attend said court, preserve order, and execute and return its process, and perform such other duties, in all respects as in the circuit and chancery courts of this State, and he shall furnish all subordinate officers that may be necessary to expedite the business of said court the same as he is now required to do under the law governing him as officer of the circuit and chancery courts of this State; the fees of such officers of said court for services rendered, and the compensation of jurors and witnesses therein shall be the same as are or may be allowed for like services in the circuit and chancery courts of this State.

Section 27. That the judge of said court hereby established shall be paid in the same manner out of the State treasury the same salary paid to the circuit court judges. He shall also be paid monthly out of the treasury of Mobile county such additional sum as will when added to the salary paid by the State, make the salary of such judge \$4,500.00 a year.

Section 28. That it shall be the duty of the official court stenographer of Mobile county to attend either in person or by assistant upon said law and equity court whenever required thereto by the presiding judge, and to take stenographic notes of the testimony introduced in trials therein. Whenever his attendance is required at the same time or times in either the city, circuit or probate courts of Mobile, he shall have the right and power to attend in the law and equity court by an assistant qualified and selected as provided by law, for such assistant in the circuit or city court of Mobile, for whose services said official stenographer shall be entitled to be paid ten (\$10.00) dollars per day for each day's attendance of said assistant, said compensation for said assistant, if any, to be paid monthly out of the treasury of Mobile county, upon the certifi-

cate or order of the clerk of said court, approved by the persiding judge thereof. Said stenographer shall also make typewritten transcripts of said stenographic notes or any part thereof, on application of any person or persons, for which transcripts he shall receive from such applicant or applicants the same fees fixed by law for like transcripts in the circuit court of Mobile.

Repeal.

Section 29. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved August 6, 1907.

No. 631.)

AN ACT

(H. 1107.

To appropriate thirty-five hundred dollars (\$3,500.00) for the incidental and contingent expenses to be disbursed on the order of the governor. Be it enacted by the legislature of Alabama, that:

Governor's
contingent
fund.

Amount ap-
propriated.

Section 1. For the incidental and contingent expenses to be disbursed on the order of the governor there is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of thirty-five hundred dollars (\$3,500.00); such appropriation to be available for that purpose immediately upon the passage and approval of this act and to cover contingent expenses during the time intervening between the approval of this act and the date when the new code shall go into operation; provided that this appropriation shall be in addition to any such appropriation heretofore made or which may be made by the new code.

Approved Aug. 6th, 1907.

No. 632.)

AN ACT

(H. 1075.

To amend section 809 of the code of 1896.

Section 1. Be it enacted by the legislature of Alabama, That section 809 of the code of 1896 ^{Section amended.} be and the same is hereby amended so as to read as follows : 809. Person in possession of and claiming lands may file bill to clear title.—When any person is in peaceable possession of lands, ^{Bill to clear title; who may file.} whether actual or constructive, claiming to own the same, in his own right or as personal representative or guardian and his title thereto, or to any part thereof, is denied or disputed, or any other person claims or is reputed to own the same or any part thereof, or any interest therein, or to hold any lien or incumbrance thereon, and no suit is pending to enforce or test the validity of such title, claim or incumbrance, such person or his personal representative or guardian so in possession may bring and maintain a suit in equity to settle the title to such lands, and to clear up all doubts or disputes concerning the same.

Approved August 6, 1907.

No. 635.)

AN ACT

(H. 812.

To amend section eight (8) of an act entitled an act to amend, reconstruct, and provide for the enforcement of, the laws relative to the public health.

Section 1. Be it enacted by the legislature of Alabama, That section eight (8) of an act entitled an act to amend, reconstruct, and provide ^{Act amended.} for the enforcement of, the laws relating to the public health be so amended as to read as follows: Section 8. That the salary of the health officer of a county shall be fixed by the court of county commissioners, or board of revenue, provided that in counties of ten thousand inhabitants, or less, the salary shall not be fixed at a ^{Salary of county health officers.} lower rate than twenty dollars per thousand of population, and provided further that in coun-

ties of more than ten thousand inhabitants the decrease in the above rate shall not exceed ten cents per thousand of population up to a population of one hundred thousand, beyond which no further decrease shall be made. The salary for the health officer of a county shall be computed upon the basis of the last United States census, and shall be paid quarterly from the county treasurer by the officer legally authorized to draw warrants on said treasury. The health officer of a county shall enter into bond, with sufficient sureties, payable to the judge of probate of the county in a sum equal to the amount of his salary with condition for the faithful performance of all such duties as are, or may be, required of him by law; provided that nothing in this section shall be so construed as to prohibit the commissioners' courts, or boards of revenue, of the several counties of the State from paying the health officer of their respective counties a larger sum as salary than the minimum provided for in this act, if in their judgment they deem it wise to do so.

Approved August 9, 1907.

No. 636.)

AN ACT

(H. 239.)

To repeal an act entitled an act to repeal section 1017 and section 1018 of the revised code of 1896 in so far as the same relates to Calhoun, Mobile, Etowah, and Marion counties, approved March 1st, 1901, so far as the same relates to Marion county.

Act repealed.

Section 1. Be it enacted by the legislature of Alabama, That an act entitled an act to repeal sections 1017 and 1018 of the revised code of 1896 in so far as the same relates to Calhoun, Mobile, Etowah and Marion counties, approved March 1st, 1901, be and the same is hereby repealed so far as the same relates to Marion county, Alabama.

Approved Aug. 7th, 1907.

No. 637.)

AN ACT.

(H. B. 1307.)

For the relief of Tobacco dealers, other than dealers who conduct tobacco and cigar stands, who have paid the license tax under the bill approved March 7th, 1907, entitled An Act to better provide for the revenue of the State.

Section 1. Be it enacted by the Legislature of Alabama, that the State auditor is hereby directed to draw his warrant on the State treasury, in favor of each dealer in tobacco, other than dealers who conducted what is known as tobacco and cigar stands, who has paid to the State the license tax for dealers in tobacco, under the act approved March 7th, 1907, entitled an act to better provide for the revenue of the State. ^{State license refunded.}

Section 2. The courts of county commissioners or boards of revenue of the several counties of this State are hereby authorized and directed to refund to each dealer in tobacco other than those dealers who conduct what are known and called tobacco and cigar stands, the license tax paid by such dealers to the respective counties under the said act. ^{County license refunded.}

Section 3. Immediately after the approval of this act, the several probate judges in this State shall make out and certify to the auditor a list of all persons who have paid to the State the license tax herein named, who are entitled to have the same refunded under the provisions hereof in their respective counties with the amount paid by each, and the auditor shall thereupon draw his warrant in favor of each of such persons for the amount so paid by him and forward the same to judges of probate of the several counties, and such warrants shall be delivered by such probate judges to the persons in whose favor the same are drawn. ^{Duty of probate Judge.}

Approved August 6, 1907.

No. 639.)

AN ACT

(H. 1291.

For the relief of W. C. Evans, a confederate pensioner of Pickens county, Alabama.

Preamble.

Whereas, W. C. Evans, a needy confederate soldier of Pickens county, Alabama, was on the pension roll of said county, and entitled to participate in the distribution of the funds for the relief of needy confederate soldiers under the act approved February 10th, 1899, and whereas, during the year 1905, the State board of pension examiners, through error, had the name of said W. C. Evans stricken from said roll as dead, thereby depriving him of the amount due him under distribution of said fund made on October 1st, 1905 and on October 1st, 1906.

Relief of.

Be it enacted by the legislature of Alabama, That the auditor of said State be and he is hereby authorized and directed to draw a warrant on the State treasurer in favor of said W. C. Evans for the sum of sixty dollars, the same being the amount due him as a confederate pensioner of said county for the years 1905 and 1906, said amount to be paid out of the funds appropriated especially for confederate pensioners of said State.

Approved Aug. 6, 1907.

No. 641.)

AN ACT

(H. 1019.

To fix the salary of the judge of the city court of Talladega county and to provide for the payment of the same.

Amount of salary.

How paid.

Section 1. Be it enacted by the legislature of Alabama, That the salary of the judge of the city court for Talladega county be and the same is hereby fixed at two thousand five hundred dollars per annum, and that the same shall be paid as now provided by law.

Approved August 9, 1907.

No. 642.)

AN ACT

(H. 469.)

To amend section 12 of an act, to grant a new charter to The Alabama Girls' Industrial School, approved March 4th, 1901, and to confer additional powers on the trustees of the school.

Section 1. Be it enacted by the legislature of Alabama, That section 12 of an act, to grant a ^{Act} new charter to "The Alabama Girls' Industrial School" be amended so as to read as follows:

Section 12. That every trustee of the school shall have the right to appoint one student possessing ^{Free stu-} the qualifications hereinbefore prescribed who ^{dents.} shall be boarded and instructed in the school free of all charges for board, washing, lights, books and incidental fees, but a student shall not be eligible to appointment for more than four years, nor shall any girl be appointed under this provision who is able to pay for her education or whose parents or either of them has the ability to pay for her education in the school.

Section 2. Whenever the school needs ^{any} land near the school for any purpose of the school ^{Condemna-} and the owner thereof is a minor or an insane ^{tion proceed-} person, or refuses to sell the land to the State for the use of the school, the trustees shall have authority to institute in the probate court of Shelby county, proceedings in the name of the State of Alabama, to condemn such land, which proceedings shall be conducted as near as may be possible in accordance with the provisions of section 1712-1742 of the code of 1896. It shall be the duty of the trustees to pay out of the funds of the school all costs of every condemnation proceeding instituted by them under the power hereby conferred.

Section 3. A trustee shall be ineligible to be ^{Trustee ineli-} elected to any office by the board of trustees. ^{gible for of-}
 Approved Aug. 6th, 1907. ^{fice.}

No. 648.)

AN ACT

(H. 1012.

For the relief of Mary A. Galloway, widow of an ex-confederate soldier, being a resident of Shelby county, Alabama, whereas Mary A. Galloway has long been on the pension rolls for Shelby county, Alabama, but for the year 1905 her name was dropped from said roll through mistake.

Relief of.

Section 1. Be it enacted by the legislature of Alabama, That the State auditor, be and he is hereby required to draw his warrant on the treasurer of Alabama for thirty dollars (\$30.00) for said pensioner for the year 1905, to be paid out of the pension fund of the State by the treasurer thereof.

Approved Aug. 7, 1907.

No. 644.)

AN ACT

(H. 894.

To prohibit any person who holds the office of justice of the peace, or any other office where authority is given to issue warrants or arrest, from acting as attorney in cases where the complaint against the defendant was made before such person, and the warrant of arrest was issued by him, in his official capacity.

Unlawful for justice of peace, etc., to act as attorney in certain cases.

Section 1. Be it enacted by the legislature of Alabama, That from and after the passage of this act, it shall be unlawful for any person who holds the office of justice of the peace, or of notary public, ex-officio justice of the peace, or any other office where the authority is given him, as such officer, to issue warrants of arrest, to act as an attorney in any case where the complaint charging said defendant with the commission of a public offense was made before such person in his official capacity, and the warrant of arrest

in said case, was issued by him as said officer. This prohibition shall apply in all cases where the person, acting as said attorney, took the complaint in the case, and issued the warrant of arrest as an officer authorized to perform said acts, whether as said officer he has final jurisdiction of the case, or acts merely as a committing magistrate.

Section 2. That any person who is guilty of a violation of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty, nor more than five hundred dollars. ^{Penalty for violation.}

Approved August 7th, 1907.

No. 645.)

AN ACT

(H. 1356.

For the relief of John Milford, an ex-confederate soldier, being a resident of Chilton county, Alabama; whereas, John Milford has long been on the pension rolls for Chilton county, Alabama, but for the year 1904 his name was dropped from said roll through mistake.

Section 1. Be it enacted by the legislature of Alabama, That the State auditor be and he is hereby required to draw his warrant on the treasury of Alabama for thirty (\$30.00) dollars for said pensioner for the year 1904 to be paid out of any balance in the pension fund of the State by the treasurer thereof. ^{Relief of.}

Approved August 7, 1907.

No. 646.)

AN ACT

(H. 513.

To fix the salary of the clerk of the adjutant general and to make appropriation for same.

Section 1. Be it enacted by the legislature of Alabama, That the salary of the clerk of the ad- ^{Amount of salary.}

How paid.

jutant general shall be twelve hundred dollars (\$1200.00) per annum, payable monthly.

Amount appropriated.

Section 2. That the sum of twelve hundred dollars (\$1200.00) for each year is hereby appropriated for the payment of said clerk of the adjutant general. The State auditor is hereby authorized to draw his warrant on the State treasurer for the payment of such clerk.

Repeal.

Section 3. That all laws in conflict with this act be and the same are hereby repealed.

Approved Aug. 6, 1907.

No. 647.)

AN ACT

(H. 1209.

To give to certified transcripts of validly executed instruments not properly acknowledged or proved, but that have been of record for twenty years, the same force and effect as transcripts of like instruments duly acknowledged and recorded.

Force and effect of instruments not recorded, etc.

Be it enacted by the legislature of Alabama, That when a validly executed instrument not properly acknowledged and recorded, has for twenty years been of record in what would have been a proper court of record of such instrument had it been properly acknowledged and proven, a duly certified transcript thereof shall have the same force and effect as evidence as such transcript would have had, had such instrument been duly acknowledged and recorded.

Approved Aug. 6, 1907.

No. 649.)

AN ACT

(H. 1085.

To amend an act to establish a State livestock sanitary board and the office of State veterinarian in order to further protect livestock from contagious and infectious dis-

eases and provide for eradicating and excluding such diseases from Alabama, approved March 12th, 1907.

Section 1. Be it enacted by the legislature of Alabama, That to an act to establish a State live-stock sanitary board and the office of State veterinarian in order to further protect livestock from contagious and infectious diseases and provide for eradicating and excluding such diseases from Alabama, approved March 12th, 1907, there shall be added section 16, to read as follows:

Section 16. That none of the provisions of this act shall apply to or be put in force in a county where the majority of its area is not under a stock law, or a law prohibiting cattle from running at large.

Approved Aug. 6th, 1907.

No. 651.) AN ACT (H. 1028.

To repeal section 22 of an act to further amend the revenue laws of the State of Alabama, approved March 7th, 1907.

Be it enacted by the legislature of Alabama, That section 22 of an act to further amend the revenue laws of the State of Alabama, approved March 7th, 1907, be and the same is hereby repealed.

Approved August 9, 1907.

No. 655.) AN ACT (H. 275.

To fix the ex-officio fees of the clerks of the circuit court in the several counties of the State of Alabama, and to provide for the payment of same. Be it enacted by the legislature of Alabama:

Circuit Clerks,
ex-officio fees.

Section 1. That the ex-officio fees of the clerks of the circuit courts in the several counties of the State of Alabama, shall be fixed and paid in the following manner and amounts as follows, to-wit: In all counties where the assessed value of real and personal property does not exceed the sum of two million dollars, they shall receive from their respective county treasuries the sum of three hundred dollars per annum; in all counties where the total assessed value exceed two million dollars and do not exceed three million dollars, they shall receive three hundred and twenty-five dollars per annum; in all counties where the total assessed value exceed three million dollars and do not exceed four million dollars they shall receive three hundred and fifty dollars per annum; in all counties where the total assessed values exceed four million dollars and do not exceed five million dollars, they shall receive three hundred and seventy-five dollars per annum; in all counties where the total assessed values exceed five million dollars and do not exceed six million dollars, they shall receive four hundred dollars per annum; in all counties where the total assessed values exceed six million dollars and do not exceed seven million dollars, they shall receive four hundred and twenty-five dollars per annum; in all counties where the total assessed values exceed seven million dollars and do not exceed eight million dollars, they shall receive four hundred and fifty dollars per annum; in all counties where the total assessed values exceed eight million dollars and do not exceed nine million dollars they shall receive four hundred and seventy-five dollars per annum; in all counties where the total assessed values exceed nine million dollars, they shall receive five hundred dollars per annum. In counties in which the total income of the clerk from fees exceed ten thousand dollars per annum there shall not be any allowance.

How amounts
determined.

Section 2. That in determining the amounts to be due to the circuit court clerks of the several

counties in the State of Alabama for performing ex-officio services, the same shall be determined by the report of the State auditor of the total assessed values of real and personal property in each county, for the year preceding that in which the ex-officio services were performed.

Section 3. That the amounts found to be due to the circuit court clerks of the State of Alabama, for ex-officio services rendered shall be paid quarterly out of the county treasury of the several counties, upon the presentation to the courts of county commissioners or board of revenue of each county by said circuit clerk, a sworn statement that all the ex-officio duties required by law to be performed, have been performed. Such statement must contain a detailed report of all services rendered, showing the charge made for each item and if the court of county commissioners or other court of like jurisdiction find said statement correct and the charges made reasonable they shall draw a warrant for same. Should the charges seem unreasonable they shall deduct such amount as they may deem just and proper.

Section 4. That this act shall take effect upon its passage and approval.

Approved August 9, 1907.

No. 662.)

AN ACT

(H. 1303.

To be entitled an act to amend sub-division of section 1377 of the civil code, relating to compensation of sheriffs for ex-officio services. Be it enacted by the legislature of Alabama:

Section 1. That sub-division of section 1377 of the code relating to compensation of sheriffs for ex-officio services be and the same is hereby amended so as to read as follows: Impaneling grand juries, advertising and attending all elections in his county, and for all other public ser-

Ex-officio fees
of sheriffs.

vices not otherwise provided for, such sum as may be allowed by the court of county commissioners or boards of revenue upon presentation of a verified account showing the items of service rendered, to be paid out of the county treasury not exceeding five hundred dollars per annum. Provided that any sheriff whose annual income from fees of office exceeds seven thousand five hundred dollars net, after all expenses have been paid by him shall not have any ex-officio allowance.

Repeal.

Section 2. That all laws, local, special, or general in conflict with the provisions of this act, be and the same are hereby repealed.

Approved August 9, 1907.

No. 663.)

AN ACT

(H. 182.

To empower cities and towns to purchase and operate waterworks, to provide for the issuance of their bonds in payment for the same and to provide for the securing of the unpaid purchase money for such waterworks. Be it enacted by the legislature of Alabama :

Waterworks;
cities and
towns may
own, etc.

1. Cities and towns may construct or purchase and operate water works plants; such plants may be within or without such city or town; such plants may be purchased subject to incumbrances, and to contracts to furnish water therefrom the payment and performance of which may be assumed; in payment for such plants, cities or towns may issue their bonds in the manner provided by law and the same may be secured by mortgage or deed of trust on the plants so purchased; by the terms of such purchase it may be provided that the revenues of such water works may be collected, controlled and disbursed by a commission selected in the manner and having the powers and term of office which may be agreed upon between the vendor of such plant and such city or town.

2. By the terms of purchase, it may be further provided that the purchaser at a foreclosure sale under such mortgage or deed of trust shall have a franchise for not exceeding thirty years to operate such plant.

Approved Aug. 10, 1907.

No. 664.)

AN ACT

(H. 421.

Providing for the survey and analysis and classification of soils of the State.

Section 1. Be it enacted by the legislature of Alabama, That the commissioner of agriculture and industries be and is hereby authorized to appoint, on approval of the governor, one or more persons who shall be known as soil surveyors, and whose duties it shall be to investigate, survey, analyze, class soils; and investigate the cause and prevention of diseases in farm products and plants, and the drainage of soils and the investigation of methods of growing, and fermenting of tobacco in the different tobacco sections of the State, and to determine the relative crop values of soils in the areas surveyed. To further make investigations with the view of introducing more remunerative crops, or crops better adapted to the conditions and peculiar characteristics of the soils surveyed, and to give the location and boundaries of the areas surveyed and describe the general topographic features and regional drainage, character and source of population, present conditions as to settlement, chief towns, transportation facilities, markets and water powers and timber resources.

Section 2. That the results of the investigations to be carefully outlined and mapped in reports to the commissioner of agriculture and industries, who in return shall report the same to the governor. The reports shall be printed and maps lithographed in such a manner that the con-

Additional
duties.

ditions and peculiar fitness of all areas thus examined, surveyed and analyzed, can be furnished to the farmers of the State, and prospective immigrants and home-seekers and to those interested in improving their crops by understanding the classification of their soils.

Section 3. That the duty of the soil surveyor, or surveyors, shall be to attend the State agricultural institutes and other agricultural meetings or schools, and lecture on soils, exhibiting maps of areas surveyed, and furnishing such other information as shall be required by the commissioner of agriculture and industries.

Co-operate
with U. S. soil
surveyor.

Section 4. That when, in the judgment of the governor and commissioner of agriculture and industries, the State's interests shall be best served then the soil surveyor or surveyors shall be required to work with and co-operate with the soil surveyors from the United States department of soils.

Amount ap-
propriated.

Section 5. That the sum of ten thousand dollars (\$10,000) or such part thereof, as is necessary to carry out the purposes hereinbefore set forth, be and the same is hereby annually appropriated.

Approved August 13, 1907.

No. 668.)

AN ACT

(H. 565.)

To confer upon foreign municipal corporations of adjoining States the power and authority to acquire, own, take and dispose of property in the State of Alabama for the purpose of procuring water in this State for a municipal water supply, and also to confer upon such municipalities the power to contract to furnish a supply of water to any town, city or municipality of this State.

Section 1. Be it enacted by the legislature of Alabama, That any city or town located in any State adjoining the State of Alabama, and which is duly incorporated by the laws of the State wherein such town or city is located, are hereby authorized and empowered to acquire, own, take and dispose of any property, real or personal, in this State that may be necessary or appropriate for affording such town or city, and the inhabitants thereof an adequate water supply to be drawn from a source located in this State.

Foreign municipal corporations authorized to acquire, etc., property for certain purposes.

Section 2. That all the rights and powers that are incident to, and conferred by law upon municipal corporations of this State, to purchase, hold, take and condemn property or easements in property needful for the location, maintenance, security and operation of a complete system of water works, including the ownership of such water shed, or sheds, right of way and easements in property, and the construction of such dams, canals, raceways and reservoirs, and the laying of such pipes, conduits and mains as is necessary and proper to render a public water supply available for use, are hereby conferred upon such foreign municipal corporations as may wish to procure a public water supply from this State in accordance with the provisions of this act.

Rights and powers conferred on such corporations.

Section 3. That such foreign municipal corporations in connection with the development of a public water supply from this State, shall have the right, power and authority to contract with any person, or persons, municipal corporation, or private corporation located in this State for a supply of water, upon such terms as may be mutually satisfactory, not repugnant to the constitution and laws of this State, in the same manner and to the same extent as an individual or private corporation may contract for such water supply.

Contract for water supply.

Section 4. That the property of any and all foreign municipal corporations located in this State in pursuance of the provisions of this act shall be exempt from levy, or seizure by attachment, etc.

Property exempt from levy or seizure by attachment, etc.

ment or other legal process or proceedings, in like manner as the property of municipal corporations located in and existing under the laws of this State are exempt. Provided, however, that nothing in this act contained shall authorize any foreign municipality to exercise any jurisdiction over any territory acquired by it under this act but the jurisdiction of the State of Alabama shall be in all things retained over such territory, and the property so acquired by any foreign municipality shall be subject to taxation in this State as the property of individuals and private corporations. And before the power and authority conferred by this act may be exercised, the consent of the board of revenue or court of county commissioners, the county in which the property lies and if the said property lies within the limits of any incorporated municipality then the consent of the governing authority of said incorporated municipality, shall be first obtained.

Repeal.

Section 5. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed.

Approved Aug. 7, 1907.

No. 669.)

AN ACT

(H. 271.

To prevent the removal of ginner's tags from cotton bales and to provide a penalty therefor.

Unlawful to
remove tags.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful for any person, other than the purchaser, whether such person is the owner, in whole or in part, or warehouseman, or other person, except the person purchasing for shipment, to remove or destroy the tag placed upon any bale of cotton by the ginner thereof, when said tag contains the name of the ginner, the name of the party for whom ginned, the gin weight, and the amount due for ginning.

Section 2. That any person violating any of the provisions of the preceding section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars, which said fine shall be payable only in money. ^{Penalty for violation.}

Approved August 8, 1907.

No. 670 a.)

AN ACT

(H. 674.

To regulate the practice of medicine in the State of Alabama.

Section 1. Be it enacted by the legislature of Alabama, That the board of censors of the medical association of the State of Alabama, organized in pursuance of the constitution thereof, adopted at Tuscaloosa, in March, 1873, is hereby constituted a State board of medical examiners, and is charged with the duties hereinafter prescribed. ^{State Board of Examiners.}

Section 2. That an applicant for a certificate of qualification to treat diseases of human beings by any system of treatment whatsoever shall, according to rules prescribed and standards established by the medical association by the State of Alabama, be examined, in writing, by the State board of medical examiners in the following named branches of medical learning, to-wit: Chemistry, anatomy, physiology, the etiology, pathology, symptomatology, and diagnosis of diseases, obstetrics and obstetrical operations, gynecology, major and minor surgery, physical diagnosis, diseases of the eye, ear, nose and throat, and hygiene and medical jurisprudence. ^{Applicant for certificate. Subjects examined on.}

Section 3. That an applicant shall before being permitted to enter upon an examination fill out an application blank, giving his name, age, residence, college and date of graduation (if a graduate), references and such other data as ^{Application blank.}

Oath.	the State board of medical examiners may require. The applicant shall make affidavit that he is the person he represents himself to be, and that he will faithfully observe all rules governing the examination. Any member of the State board of medical examiners, or the supervisor of examinations appointed by said board, is hereby authorized to administer the oath prescribed. The board shall have the right to refuse to examine a person whose reputation is such as to render him unworthy of membership in the medical profession.
Who may administer.	
Refuse to examine.	
Certificate of qualification.	Section 4. That when an applicant who has undergone examination shows such a standard of proficiency in the branches of medical learning enumerated in section 2 of this act as has been, or may be fixed by the medical association of the State of Alabama, a certificate of qualification, in form to be prescribed by the said association shall be issued to the applicant, which certificate shall entitle the holder thereof to treat any disease of human being he may be called upon to treat in accordance with the teachings of the school or sect of medicine to which he belongs.
Certificate of qualification except as to major surgery.	Section 5. That when an applicant states in writing that he does not propose to practice major surgery, said applicant shall be exempt from examination in said branch of major surgery and should his proficiency in the other branches of medical learning named in section 2 of this act reach the standard established by the medical association of the State of Alabama, a certificate of qualification in form to be prescribed by said association, shall be issued to him, which certificate shall entitle him to treat any disease of human beings he may be called upon to treat in accordance with the teachings of the school, or sect of medicine to which he belongs, provided that the holder shall not be entitled to perform the operations of major surgery and that this restriction shall appear on the face of the certificate.
Failure of applicant.	Section 6. That when an applicant fails to attain the standard of proficiency prescribed by the

State medical association his examination shall be deemed unsuccessful. Such applicant shall, however, be entitled to another examination at any time after the expiration of six months from the date of the preceding examination. Re-examination.

Section 7. That a physician who receives a certificate of qualification shall, within ten days after locating in a county, file said certificate in the office of the judge of probate of such county for record, and should said physician remove his residence to another county he shall within said time have his certificate re-recorded. Any failure on the part of the holder of a certificate of qualification to comply with the provisions of this section shall render such certificate null and void. Certificate of qualification, where filed. Penalty for failure.

Section 8. That the judge of probate of a county shall provide a blank book of suitable size to be called the "Register of Physicians," in which book shall be recorded all certificates of qualification filed by the physicians of the county. The fee for recording each certificate shall be fifty cents. At some time between the first and tenth of January of each year the said judge of probate shall forward to the State board of medical examiners a full report of the names of all physicians, together with their post offices, whose certificates have been recorded in his office for the preceding year; and if any physician whose certificate was so recorded shall have removed from the county, or shall have died, the place to which such physician has removed, if known, or the date of the death, as the case may be, shall be reported. Probate Judge to keep record. Fee. Report to State Board.

Section 9. That the State board of medical examiners may establish reciprocal relations with similar boards of other States in reference to the issuance of certificates of qualification, provided that such reciprocal relations shall not be established with the State board of examiners of any State that does not require examinations upon substantially the same branches of medical learn- Reciprocal relations with boards of other states.

ing as those enumerated in section 2 of this act, and does not maintain a standard of proficiency at least equal to that maintained by the State board of medical examiners of this State. When such reciprocal relations have been established a certificate of qualification may be issued without examination to a person who presents evidence that he has complied with the requirements of a reciprocating State board of medical examiners; provided that on the face of such certificate a statement shall appear that it was issued pro forma, and without examination.

Physician in
other State
allowed to
practice.

Section 10. That a physician who resides in an adjoining State, near the border of this State, shall be allowed the privilege of practicing in any county in this State into which his practice may extend without examination, provided that he holds a certificate of qualification from his own State board of medical examiners and causes said certificate to be placed on record in the office of the judge of probate of the county or counties in this State into which his practice extends, and providing further, that he shall not open an office or establish a place in this State at which calls may be left for him. A similar privilege shall be accorded to a licensed physician of any State who may be called into this State in consultation with a physician except that such consulting physician shall not be required to place his certificate of qualification on record.

U. S. Army or
Navy surgeon,
certificate of
qualification
for.

Section 11. That the State board of medical examiners may issue to a surgeon, or assistant surgeon, of the United States army, navy, or of the United States public health and marine hospital service a certificate of qualification without examination, provided that such surgeon, or assistant surgeon, presents to the State board of medical examiners a commission, or other satisfactory evidence, showing that he is a medical officer in the United States army, navy, or marine hospital service, as the case may be, and provided further that upon the face of the certificate of qualification so issued it shall appear that the

certificate was issued pro forma, and without examination.

Section 12. That the State board of medical State Board
examiners is hereby empowered to revoke the cer- authorized to
tificate of qualification of any physician who uses revoke cer-
intoxicating liquors, or drugs to such extent as tificate.
to be thereby rendered unsafe or unreliable as a
practitioner, or that of any physician who is
guilty of grossly immoral or unprofessional con-
duct; or that of any physician who induces, or
aids in inducing a criminal abortion, or a criminal
premature delivery, in a woman, provided
that the induction of abortion, or of premature
delivery when done for the relief of a woman
whose life appears to be in peril shall not be
deemed criminal; and provided further, that
whenever possible the attending physician shall
before performing such an operation call into
consultation with him one or more physi-
cians.

Section 13. That whenever complaint in writ-Complaint
ing is made to the State board of medical exam- against physi-
iners that a physician in this State has committed cian.
any of the offenses named in the preceding sec-
tion (12), it shall be the duty of said board to
summon such physician to appear before it for in-
vestigation of the complaint, provided that thirty
(30) days notice of the nature and specifications
of the complaint, and of the time and place at
which the investigation will be made, shall be
given the physician against whom such complaint
has been filed. When the investigation is held,
which shall be conducted with as little publicity
as possible, the person who files the complaint,
and the physician against whom the complaint
has been filed, shall have the right to introduce
witnesses, or written testimony, or both, and
shall also have the right to be heard in person, or
by counsel, or both. For good reasons such in-
vestigation may be adjourned from time to time.

Section 14. That when the State board of med-Revocation of
ical examiners decides to revoke the certificate of certificate.
qualification of a physician, it shall notify such

physician of the order of revocation, and shall instruct the judge of probate of the county in which such physician resides to make an entry on the margin opposite to the recorded certificate of such physician to the effect that upon the order of the State board of medical examiners the certificate has been revoked, entering also date of revocation. Any physician whose certificate has been ordered revoked by the State board of medical examiners shall have the right of appeal to the State medical association, or to a court of competent jurisdiction, one or both, of which appeals such physician must give the State board of medical examiners notice within three days after having been informed of the decision of the board. When the State board of medical examiners has received notice of such appeal it shall await the result of the appeal before instructing the judge of probate to make the entry of revocation.

New certificate.

Section 15. That the State board of medical examiners shall have the right to issue, with or without re-examination, a new certificate of qualification to a physician whose certificate has been revoked whenever it deems such course proper and just.

Examinations, where held, etc.

Section 16. That all examinations under this act shall be conducted at Montgomery, and that the State board of medical examiners shall fix the times at which examinations shall be held, provided that not less than two examinations shall be held annually.

Examination fee.

Section 17. That the fee for an examination shall be ten dollars (\$10.00) which amount must be paid in advance of the examination and to such person as the board may authorize to receive therefor. A fee shall not be returned to an unsuccessful applicant, but such applicant shall be entitled to a second examination without paying an additional fee, provided that such second examination is obtained within one year after the date of the first examination.

Fees; how disposed off.

Section 18. That after defraying all expenses of holding an examination such as furnishing

blanks, paper, postage, certificates, the services of supervisors, clerical help, et cet., the remaining funds shall be equally divided among the ten members of the State board of medical examiners.

Section 19. That any person who treats or of- Penalty for practicing without certificate.
fers to treat diseases of human beings in this State by any system of treatment whatsoever without having obtained a certificate of qualification from the State board of medical examiners shall be guilty of a misdemeanor and on conviction shall be fined for each offense not less than fifty nor more than five hundred dollars, and may be imprisoned for not less than one nor more than three months. A physician whose certificate of qualification is not on record in the county in which he resides shall not be entitled to recover at law any compensation for services rendered in treating diseases of human beings. Failure to record same.

Section 20. That the State board of medical examiners shall keep complete records of all ex- Record of examinations.
aminations held by it, giving the name, age, residence, college and date of graduation (if a graduate) of each applicant examined, together with the results of such examination, which record shall be open to inspection. The said board of medical examiners shall also keep complete minutes of all of its proceedings, which minutes shall be so preserved as to be easily accessible should occasion arise for referring to them.

Section 21. That nothing in this act shall pro- Domestic remedies.
hibit the administration of domestic remedies in a family by any member thereof or prohibit any person from rendering service to a sick or injured person in an emergency, provided that the person rendering such service does not pursue the occupation of a physician.

Section 22. That all laws or parts of laws in conflict with this act shall be and are hereby re- Repeal.
pealed.

Section 23. That this act shall go into effect Effect.
on and after the first day of Sept., 1907.

Approved Aug. 9, 1907.

No. 671.)

AN ACT

(H. 35.)

To provide for the annexation and merger of any city or town into a contiguous city or town.

Be it enacted by the legislature of Alabama as follows:

Mode of annexation.

Section 1. Any city or town may be annexed to and merged into a contiguous city or town in the manner following: (1) The mayor of each city or town shall each appoint two persons and the four persons thus appointed, with the mayor of each town, shall constitute a commission to agree upon terms for the annexation and merger of the one city or town into the other city or town. (2) If the commission agrees upon terms of annexation and merger, such agreement shall be reduced to writing and signed in triplicate by the commissioners, or a majority thereof, and one of the triplicates of the agreement shall be presented to the council or other governing body of each city or town, and if the council or governing body of each city or town approves of the agreement reached by the commission, the council or governing body of each city or town, shall pass a resolution confirming such agreement, which resolution shall be spread upon the minutes of the proceedings of such council or governing body and the mayor of each city or town shall notify the mayor of the other city or town the confirmation of the agreement by the council or governing body of the city or town of which he is mayor. (3) If the council or governing body of each city or town confirms the agreement, then the mayor of the city or town proposed to be annexed to the other city or town shall by proclamation order an election to be held on a day fixed in the proclamation in his city or town, submitting to the vote of the qualified electors in his city or town the following proposition: "Shall the agreement for the annexation of (naming the city or town) to (naming the city or town) be ratified?" and stating in such proclamation that one of the trip-

licates of the agreement made, which is submitted for ratification, is on file in the office of the clerk of such city or town open to the inspection of the public. (4) Inspectors of election in the city or town proposed to be annexed shall be appointed and the election in all particulars held in the same manner as elections are held in such city or town for the election of municipal officers, except as changed by the provisions hereof. (5) The mayor of the city or town shall cause the ballot to be used in such election to be printed with the following words thereon: "Shall the agreement for the annexation of (naming the city or town) to (naming the city or town) be ratified," and printed on the ballot with the above quoted words, immediately thereunder, the words "Yes" and "No", and elector shall designate his choice by marking with ink or pencil a cross-mark (x) in a place to be left before the words expressing his wish. The result of the election shall be ascertained in the same manner that the result of the election of city or town officers is ascertained, and the election may be contested in the same manner as is provided for the contest of the election of any city or town officer. (6) If a majority of the votes cast in such city or town is in favor of ratifying the agreement of annexation and merger, the result shall be so declared, and the mayor of each city or town shall by joint proclamation, published in some newspaper published in the city or town, or in the county, if no newspaper is published in the city or town, declare the annexation of the one city or town to the other city or town under the agreement of annexation and merger. (7) The ballot provided under the terms hereof need not be of any particular size, form or color. (8) The mayor of the city or town to which another city or town is annexed under the provisions hereof shall within ten days from the day of the issuing of the joint proclamation of annexation and merger of the one city or town into the other city

or town, file with the secretary of State one of the triplicates of the agreement of annexation, which must be kept on file in the office of the secretary of State and must also, within the said time file one of the triplicates of the agreement of annexation in the office of the judge of probate in which such city or town is situated, and the same must be recorded by the judge of probate in a record of deeds or mortgages kept in his office. (9) From the time the said triplicate of the agreement is filed in the office of the judge of probate as herein required, the proclamations having been made and published as herein required, the one city or town shall be and shall be held to be annexed to and merged into the other city or town under the terms and provisions as set forth in the agreement of annexation and merger. (10) The cost and expense incurred by each city or town previous to holding the election by the city or town proposed to be annexed to the other city or town shall be paid respectively by each city or town, and all other cost and expense incurred shall be paid by the city or town to which the other city or town is annexed.

Property
vested in an-
nexing town.

Section 2. All property and rights of property and assets and interests of every kind and character owned by the city or town annexed to the other city or town, shall vest in and become the property and assets of the city or town to which it is annexed.

Suits against. Section 3. All suits pending against the city or town annexed, shall, on motion, be made a suit against the city or town annexing the other city or town, and the right to prosecute to final judgment such suit or suits against the annexing city or town, shall exist the same as if the right of action originally existed against the annexing city or town.

Rights of ac-
tion against.

Section 4. All rights of action existing against the city or town annexed shall be a right of action against the city or town annexing the other city or town, and suit may be brought against the annexing city or town the same as if the right of

action originally existed against the annexing city or town.

Section 5. All suits pending, brought by the city or town annexed, shall on motion, be made a suit by the city or town annexing the other city or town, and the right to prosecute such suit, to final judgment by the annexing city or town shall exist the same as if the right of action originally existed in favor of the annexing city or town. Suits brought by.

Section 6. All rights of action existing in favor of the city or town annexed shall be a right of action existing in favor of the city or town annexing the other city or town, and the annexing city or town may bring suit the same as if such right of action originally existed in favor of the annexing city or town. Rights of action in favor of.

Section 7. All indebtedness and obligations of every kind and character of the city or town annexed shall be paid, or payment thereof assumed by the annexing city or town, as between the city and town annexed and the annexing city or town, the agreement of annexation and terms thereof shall be binding as regards the payment or assumption of such indebtedness, but as to the creditor, the payment or assumption of payment by the annexing city or town shall be absolute and unconditional. Indebtedness of annexed city or town.

Section 8. The agreement of annexation shall be and shall be held to be a contract by and between the city or town annexed and the city or town to which annexation is made, and no amendment hereof or subsequent law enacted shall in any wise abrogate or change the terms of the agreement of annexation, and any person residing in or owning property in the territory which was embraced within the city or town annexed shall have the right in a court having jurisdiction to require the annexing city or town to abide by and carry out the provisions of the agreement of annexation. Agreement of annexation a contract.

Section 9. It shall be the duty of the council or governing body of the annexing city or town to enact such ordinance and pass such resolution to carry out annexation agreement. Ordinances to carry out annexation agreement.

tions as may be necessary, or deemed necessary to carry out the agreement of annexation, and any ordinance or resolution enacted or passed by the council or governing body of the annexing city in violation of the terms and provisions of the agreement of annexation shall be and shall be held to be void.

Annexed city dissolved.

Section 10. The annexed city or town from and after the time of annexation, under the terms hereof, shall be and shall be held to be dissolved, and from and after the time of such dissolution all of the ordinances, resolutions and by-laws of the annexing city shall apply to and be enforceable in the territory which was embraced in the annexed city or town, except in so far as is inconsistent with the terms and provisions of the agreement of annexation.

Rights, etc. of annexing city over territory annexed.

Section 11. The rights, powers, duties, liabilities and jurisdictions of the annexing city over the territory embraced in the corporate limits of the city annexed, and over the inhabitants thereof, shall attach immediately upon the dissolution of the annexed city as herein provided, except in so far as limited by the terms and provisions of agreement of annexation.

Exemption from taxation.

Section 12. The agreement of annexation may provide for specific territory and property having a situs thereon embraced in the annexed city or town to be exempt from city taxation or the payment of taxes to the annexing city not exceeding a period of ten years and may provide a maximum license tax to be annually assessed and collected by the annexing city from each and every person, firm, company or corporation engaging in or carrying on any business, vocation, occupation or profession in the territory exempt from taxation.

Maximum license tax.

New wards created.

Section 13. The council or governing body of the annexing city shall create new wards (as many as may be deemed to be necessary) regardless of any limitation in the charter of the annexing city on the number of wards, or enlarge wards so as to embrace all territory embraced in

the annexed city, and so as to afford opportunity to all persons in the territory embraced in the annexed city to vote at all elections and participate in the government of the annexing city and each ward in the annexing city shall have the same number of aldermen, but in no event shall there be more than thirty aldermen or representatives in the council or governing body of the city, and the council or governing body of the city, shall elect aldermen for the wards, embracing the territory of the annexed city, as in case of a vacancy, the aldermen so elected to hold office until the next regular election of the annexing city, at such election and thereafter aldermen for such wards shall be elected as other aldermen are elected in the city, and if the agreement of annexation names the aldermen to be elected to fill the office of aldermen until the next ensuing election, the parties named shall be elected aldermen by the council or governing body of the annexing city. The council or governing body of the annexing city shall by ordinance or resolution, create new wards or change the line or wards as often as may be necessary covering the territory embraced in the annexed city for the purpose of making equal as near as practicable the voting population in each ward in the annexing city and the council or governing body of the annexing city shall divide the respective wards in the city into voting precincts as many as may be necessary, and each elector shall vote in the precinct of his residence, and the boundary of such voting precincts shall be arranged and re-arrange from time to time so that as near as practicable not exceeding four hundred electors reside in any voting precinct.

Section 14. The provisions hereof shall in no wise preclude any city or town from being annexed and merged into another city or town in any way that may be provided by law. Effect of provisions.

Section 15. The mayor or other head of the governing body of any city or town shall appoint the commissioners provided for in section one When commissioners appointed.

hereof. (1) Upon the adoption of a resolution by the governing body calling for such appointment; (2) upon the presentation of a petition to the governing body signed by one-third of the qualified electors residing within such city or town.

Approved August 15, 1907.

No. 677.)

AN ACT

(H. 34.

To provide means for the extension of the corporate limits of cities having twenty-five thousand inhabitants or over, and exempting from city taxation property brought within the corporate limits for certain periods of time, and fixing the rights, powers, duties, liabilities, and jurisdiction of the city over the territory brought into the corporate limits, and the rights of the inhabitants thereof, including rights relating to public schools, and to provide for the apportionment between a city and county of the road and bridge tax collected by the county on property within the city, and the expenditure of the fund by the city. Be it enacted by the legislature of Alabama as follows:

May extend
corporate limits.

Section 1. Any city having twenty-five thousand inhabitants or more, at the time territory is brought within its limits under the provisions hereof, as shown by the next preceding national census, or state census, may, at its election, in the manner herein set forth, from time to time, extend its corporate limits in the manner and with the rights, powers and privileges as set forth herein, but the provision of this act is not to preclude any city from extending its corporate limits in any other way or manner that may be authorized by law.

Mode of extending corporate limits.

Section 2. Whenever the council or governing body of the city shall pass a resolution to the effect that the public health or public good requires

that certain territory, describing it, shall be brought within the limits of the city—(1) It shall be the duty of the mayor or other executive head, of the city to certify a copy of such resolution to the judge of probate of the county in which the land is situated proposed to be brought into the city and said certified resolution shall have attached thereto a plat or map of the territory proposed to be brought into the corporate limits of the city, which certified resolution and plat or map shall be filed by the judge of probate. (2) Within ten days from the date of the filing of such certified copy of resolution, with plat or map attached the judge of probate must make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified electors residing within the territory described in such plat or map, not less than twenty days nor more than forty days from the date of the making of the order. The said judge shall give notice of the holding of such election by publication in at least one newspaper (and at the discretion of the judge, in more than one newspaper) published in the county wherein such election is to be held which notice shall state the day on which the election shall be held, the voting place or places at which the election will be held, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the city, and such notice must give a description of the territory proposed to be brought into the city, and must state that a map showing the territory proposed to be brought into the city is on file in the office of the judge of probate of said county, open to the inspection of the public. (3) The judge of probate may designate as many voting places in the territory proposed to be annexed as he may deem necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint three inspectors of elec-

tion and one returning officer, for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed inspectors. (4) Each qualified voter who has resided within the boundaries of the territory proposed to be brought into the city for three months next preceding the election, may vote at such election but must vote at the voting place designated by the judge of probate for voters in the territory in which he resides, within the territory proposed to be brought into the city. (5) The election to determine whether or not the proposed territory shall be brought within the corporate limits of the city must be conducted in all respects as provided by the general election laws, and under the same sanction and penalty, except as changed by the provisions hereof and except that an official ballot need not be provided. (6) Each voter may furnish his own ballot with the following words written or printed thereon, "For Annexation" if he desires to vote in favor of annexing the territory to the city, or "Against Annexation" if he desires to vote against annexing the territory to the city. It shall not be necessary for the ballot to be of any particular size, form or color. (7) The inspectors at the respective voting places must as soon as the polls are closed, ascertain and certify the result of the election at their respective voting places, to the judge of probate, and deliver the same to the returning officer, who must at once return the same to the judge of probate, and the judge of probate shall canvass the returns as made by the inspectors, and if it appears that a majority of the votes cast at the election were in favor of "For Annexation" the judge shall make and enter an order on the records of the court adjudging and decreeing the corporate limits of the city to be extended so as to embrace the territory described in the resolution, and designated on the map or plat attached to the resolution, and must cause the certified resolution and all orders and decrees or judg-

If majority
for annexa-
tion.

ments to be recorded in the records in his office, and must also cause the plat or map to be recorded in the map records in his office, and from the time of the entry of such order, such territory shall be a part of and within the corporate limits of the city, with the limitations, rights and powers and privileges set forth herein. If it appears that a majority of the votes cast at the election are "Against Annexation," the judge of probate shall make and enter an order on the records of the court, adjudging and decreeing that a majority of the votes at such election were cast against coming into the corporate limits of the city, and that the territory described and designated in the resolution and plat or map attached shall not form a part of or be embraced in the city until it may thereafter be brought into the city as a part thereof. (8) The result of such election may be contested by any qualified elector voting at the election under the provisions as is provided by general law for contesting the election of justices of the peace making the city the contestee. The city at whose instance the election is held shall pay all cost and expense incident to the election. (9) The plat or map filed with the certified copy of the resolution as required herein, shall show that the boundary of the territory proposed to be taken into the city, which territory must be contiguous to the boundary of the city, at some point and such territory may extend to or around the boundary line of any other city or town, but is not to embrace any territory within the corporate limits of another city or town.

Section 3. All territory brought within the corporate limits of a city under the provisions hereof, and all property having a situs within such territory, shall be exempt from city taxation or the payment of taxes to the city for the period of not less than ten nor more than fifteen years from the time when such territory is brought within the corporate limits of the city, which period of exemption shall be fixed in the resolution passed by the council or governing

body of the city authorized under the provisions of section 2 hereof, except as is provided in subdivision (1) and (2) of this section. (1) from time to time after the lapse of five years from the time when such territory is brought within the corporate limits of the city, all portions of such territory as has residing on it a population of at least twenty persons on a contiguous ten acres of land (In the form of a square or any other shape and all property having a situs on such populated territory shall thereafter be subject to taxation by the city, and taxes thereon shall be paid to the city. (2) All portions of such territory which is at the time it is brought within the corporate limits of the city used or occupied, as or as a part of a mining, manufacturing or industrial plant or construction or which is used or occupied as or as a part of a railroad or street railroad or for any other quasi, public use, and continues to be so used, and all property having a situs on such territory (but not including residences, dwelling houses, store houses, commissaries, warehouses or the land on which they are situated) shall be exempt from city taxation for a period of ten years; and all portions of such territory which after it is brought within the corporate limits of the city is used or occupied by a new construction as or as a part of a mining, manufacturing, or industrial plant or construction, or which is used or occupied as or as a part of a railroad or a street railroad or for any other quasi, public use, and continues to be so used and all property having a situs on such territory (but not including residences, dwelling houses, store houses, commissaries, warehouses or the land on which they are situated) shall be exempt from city taxation for the period of ten years from the time of construction, use or occupation; provided, however, that in no event is the exemption to extend beyond fifteen years from the time when such territory is brought within the corporate limits of the city. (3) Whenever and as often as the facts exist which authorize a city to

collect taxes from and on any portion of the territory brought within the corporate limits under the provisions hereof, the council or governing body of the city shall pass a resolution declaring the territory describing it in the resolution, subject to taxation and thereupon it shall be the duty of the mayor or governing head of the city to make and file with the judge of probate of the county in which such city is situated a certified copy of such resolution, together with a map of such territory attached thereto showing respectively the land owned by the respective owners, if the owners are known, or "unknown owners" where owners are not known. (4) It shall be the duty of the mayor or other governing head of the city, within five days of the time he files the certified copy of such resolution, with map attached as herein provided, to give notice by publication once a week for three successive weeks in some newspaper published in the city, to the person or persons owning the land described in the resolution, of the passing of the resolution by the council or governing body, and further state in said notice that a certified copy of the resolution, with map attached, is on file in the office of the judge of probate in the county, and citing the property owner, or owners (without naming them) to appear before the judge of probate of said county on a day fixed in the notice, which must not be less than thirty days from the first publication of the notice, to show cause if any why said land or any part thereof, or property having a situs thereon should not thereafter pay taxes to the city, or be subject to taxation by the city. (5) Land owned by any number of separate and distinct owners may be embraced in the same resolution passed by the board or governing body of the city, and notice of citation by publication may be given to all owners by the mayor in one notice, but each owner shall have the right of contest as herein provided as to any land owned by him. (6) On the day fixed in the notice or any day to

Resolution
declaring
property sub-
ject to taxa-
tion.

Notice of.

Contest.

Decree of
Judge.

which said cause may be continued any owner of any of the property declared to be subject to taxation by the city in the resolution, may file with the judge of probate a contest, contesting the right of the city to tax any of the land or property owned by him, assigning as grounds for such contest the non-existence of some one or more of facts herein required to be in existence before the property is subject to city taxation. A separate case shall be docketed of the city against the property owner, naming him, as to each property owner who files a contest, and from thence forward, such cause shall be a separate and distinct cause. (7) On the day fixed, in the citation published by the mayor for the hearing before the judge of probate, or the day to which such cause is continued as to such property owner or owners as do not file a contest, the judge of probate shall render a decree adjudging that the land owned by such property owner, or owners, and all property having a situs thereon shall thereafter be subject to taxation by the city, and taxes thereon shall be paid to the city, and shall cause the map attached to certified resolution passed by the board or governing body of the city, to be recorded in the map records in the office of the judge of probate of said county, and shall cause to be recorded in the proper records of the judge of probate the certified resolution passed by the board or governing body of the city, and after the said map is recorded, the judge of probate shall endorse on said map "adjudged subject to city taxation," on such portion of the property covered by said map as is adjudged to be subject to city taxation. (8) As to each contested cause, the judge of probate may set the same for hearing at such time as he sees fit, and on the hearing shall hear evidence as is introduced by either the property owner or the city and shall determine as to whether or not the facts which authorize the property to be taxed by the city under the terms hereof did or did not exist at the time the certified resolu-

tion was passed by the board or governing body of the city. If the judge of probate decides that the requisite facts did exist at the time of the passing of the resolution, he shall render a decree adjudging that thereafter the property, describing it, shall be subject to taxation by the city, and that taxes thereon shall thereafter be paid to the city. If the judge of probate decides that the requisite facts did not exist at the time of the passing of said resolution, the judge of probate shall render a decree adjudging that the land and property having a situs thereon is not subject to taxation by the city, and that taxes thereon shall not be paid to the city until the facts thereafter authorize such taxation in accordance with the provisions hereof. (9) The property holder or the city shall have the right to appeal from the judgment of the judge of probate to the circuit court of the county in which the land is situated, or other court of like jurisdiction within ten days from the rendition of the judgment by the judge of probate, the property owner giving security for cost of appeal to be approved by the judge of probate, if the appeal is taken by the property owner. (10) On an appeal taken by either party, the cause shall be docketed and tried de novo in the circuit court or court of like jurisdiction, without jury unless a trial by jury be demanded by the party taking the appeal at the time of taking the appeal, evidenced by a paper writing filed in the cause, or unless a trial by jury be demanded by the other party in the cause by paper writing filed in the cause within ten days from the time that notice of such appeal is served on him or it. It shall be the duty of the judge of probate, within ten days after an appeal is taken, to issue notice to the opposite party of the appeal, and place such notice in the hands of the sheriff of the county, and it shall be the duty of the sheriff to serve such notice upon the party to whom the same is issued, and make return thereof to the said judge of probate, provided however, that if the city takes the appeal such

Right of appeal.

Trial of cause on appeal.

notice issued to the property holder may be served upon the property holder or his agent or attorney and if the property holder, his agent or attorney, cannot be found by the sheriff, upon any person over the age of twenty-one years residing on or having custody of the property of such property owner. If an appeal is taken, it shall be the duty of the judge of probate to transmit all papers in the cause, except the map and certified resolution to the clerk of the court to which the appeal is taken, and such map and certified resolution, after the same have been recorded by the judge of probate as herein provided, may be withdrawn from the file in the judge of probate's office by either party for use in the trial of the cause in the circuit court, or court of like jurisdiction, but must be returned to the judge of probate immediately after the trial of said cause in the circuit court or court of like jurisdiction. If on the trial in the circuit court, or court of like jurisdiction, it be adjudged that the requisite facts did exist subjecting the land and property having a situs thereon to taxation, by the city a judgment shall be rendered adjudging that the land and property having a situs thereon be and the same is subject to taxation by the city, and that the taxes thereon shall be paid to the city. If it be adjudged that the requisite facts did not exist a judgment shall be rendered adjudging that the land and property having a situs thereon is not subject to taxation by the city, and the cost of appeal and of contest shall be adjudged against the losing party. Either the city or the property owner may appeal from the judgment of the circuit court or court of like jurisdiction to the supreme court within the time and in the same manner as is provided by law, for an appeal from such court in an analogous cause. (11) In each contested cause before the judge of probate where judgment is rendered adjudging that the property is subject to city taxation and where there is no appeal from such judgment it shall be the duty of the judge

When property adjudged subject to taxation.

of probate as soon as the time for an appeal has expired, to make an endorsement on the records of said map across the property in contest as shown on said map "adjudged subject to city taxation." If there is an appeal from the judgment rendered by the judge of probate and on the termination of such appealed cause, it is adjudged that the property in controversy is subject to city taxation, it shall be the duty of the clerk of the circuit court, or court of like jurisdiction, to briefly certify to the judge of probate that it has been adjudged that the property is subject to city taxation and thereupon the judge of probate shall endorse upon the record of said map on the property in controversy as shown on said map "adjudged subject to city taxation." (12) All property adjudged to be subject to city taxation under the provision hereof shall be liable for the payment of taxes to the city from and after the commencement of the city tax year, commencing next after the time of the passing of the resolution by the board of aldermen, or governing body of the city, embracing the property adjudged to be subject to city taxation. (13) The judge of probate shall cause to be recorded in the records of his office the certified copy of resolution filed by him, together with map attached, and all orders and decrees or judgments rendered by him, and the certificate of the clerk of the circuit court or court of like jurisdiction filed with him in any appealed cause, but the said map is to be recorded in the map records as herein provided.

Section 4. All territory brought within the corporate limits of a city under the provisions of this act, shall be subject to the laws and ordinances of said city, and the council or governing body of the city shall have and exercise the same jurisdiction over such territory as is exercised over the other territory within the corporate limits of the city, except as herein restricted, and except as may be restricted by ordinance or resolution passed by the council or governing body of the city.

Territory brought in subject to laws, etc.

New wards
created.

Section 5. The council or governing body of the city shall create new wards (as many as may be deemed to be necessary) regardless of any limitation in the charter of the city on the number of wards, or may enlarge the wards, so as to embrace all territory brought within the corporate limits of the city, and so as to afford opportunity to all persons entitled to vote at elections in the city to vote thereat. Each ward in the city shall have the same number of aldermen or representatives in the council or governing body of the city, and as new wards are created, the board or governing body of the city shall elect aldermen or representatives to represent such wards in the council or governing body of the city, as in the case of vacancy; the aldermen or representatives so elected to hold office until the next regular election in the city, provided however, that no person residing on territory which is exempt from taxation under provisions hereof shall have any right to vote in any election held in the city for the election of any city officer or in any other election held in the city which pertains to the government of said city, and provided further that no person who resides in territory exempt from taxation under the provisions hereof shall be eligible to hold any elective office in said city, and provided further that in no event shall there be more than thirty aldermen or representatives in the council or governing body of the city.

No. of Alder-
men limited.

Voting pre-
cincts.

Sec. 6. The council or governing body of the city shall by resolution or ordinance, divide the respective wards in the city into voting precincts, as many as may be necessary, and each elector shall vote in the precinct of his residence, and the boundary of such voting precinct shall be arranged and re-arranged from time to time so as near as practicable that not exceeding four hundred electors reside in any voting precinct.

Wards chang-
ed or re-ar-
ranged.

Sec. 7. The council or governing body of the city shall have the power to change or re-arrange lines of wards in said city as often as is necessary for the purpose of equalizing the number of voters

entitled to vote in each ward in the city, and each ward in the city shall have as near as practicable an equal number of qualified electors.

Sec. 8. No person residing in territory exempt from taxation in the city shall be entitled to receive any of the benefits derived from taxes paid to the city, except that as far as practicable it shall be the duty of the city to give police and fire protection to persons and property in the exempt district. Territory exempt not entitled to benefits.

Sec. 9. The council or governing body of the city shall have the right to construct or cause to be constructed sanitary sewers and enforce sanitary connections in the territory exempt from city taxation under the provisions hereof, and assess the cost and expense thereof against the abutting property in the same manner and under the same laws and to the same extent as it is authorized to construct similar betterments and enforce connections in the territory within the corporate limits of the city not exempt from taxation. Sanitary sewers.

Sec. 10. The council or governing body of the city shall have the right to construct or cause to be constructed sidewalks and curbing in the territory exempt from city taxation under the provisions hereof, and assess the cost and expense thereof against the abutting property in the same manner and under the same laws and to the same extent as it is authorized to construct similar betterments in the territory within the corporate limits of said city which is not exempt from taxation, provided however, that before said council or governing body is authorized to construct, or cause to be constructed, any sidewalk or curbing in territory exempt from taxation, the owner of a majority of the frontage of, and to be assessed for such sidewalk or curbing, must file with the clerk of the city a written petition signed by them requesting such betterments to be made. Sidewalks and curbing.

Sec. 11. The council or governing body of the city shall have the same rights and powers by and under an ordinance enacted, to assess and collect a street tax from every person liable to Street tax.

road or street duty residing in the territory exempt from taxation that it has to assess and collect such tax from other persons residing within the corporate limits of the city, but not in territory exempt from taxation, provided however, that the money collected from persons residing in territory exempt from taxation shall be applied by the council or governing body of the city towards keeping up and maintaining the public roads or streets in the territory exempt from taxation, or in opening new roads or streets in such territory.

Road tax on annexed territory; how divided, etc.

Sec. 12. In any county where a property tax is assessed and collected by the county authorities for the construction or maintenance of public roads and bridges in the county, the board of revenue, or court of county commissioners shall each year cause to be drawn a proper warrant payable to each city in such county having within its corporate limits territory taken in under the provisions of this act, such warrant to be for an amount equal to one-half of the road and bridge tax paid to the county on property within the corporate limits of such city, and the council or governing body of such city shall use the money so paid to it by the board of revenue or court of county commissioners in keeping up and maintaining the public roads, streets, highways and bridges and in opening new roads, streets, highways and constructing new bridges in the territory brought within the corporate limits of the city under the provisions of this act, the surplus of such funds if any, to be used in keeping up and maintaining streets, highways and bridges in any other part of the city that the board or governing body of the city may direct.

License for liquors, etc.

Sec. 13. The council or governing body of the city shall have no authority or power to license or permit the sale of vinous, spirituous or malt liquors or ardent spirits of any kind or character at any place in any territory which is exempt from taxation under the provisions hereof, so long as exempt from taxation under the provis-

ions hereof, or to license or permit any dance halls, or billiards, or pool rooms, or business, or occupation of any kindred or like kind or character to be operated or carried on at any place in the territory which is exempt from taxation under the provisions hereof, so long as exempt from taxation under the provisions hereof.

Sec. 14. The council or governing body of the city shall have no authority or power to construct or cause to be constructed any improvements or betterments in territory which is exempt from taxation under the provisions hereof, the cost of which or any part of which is assessable against the abutting property except as herein provided.

Sec. 15. The council or governing body of the city shall have the authority and power to annually assess and collect a privilege or license tax from each and every person, firm, company or corporation engaged in or carrying on any business, vocation, occupation or profession in the territory exempt from city taxation under the provisions hereof, so long as exempt from city taxation under the provisions hereof, on the following basis: Such license tax assessed and collected from each person, firm, company or corporation shall be in proportion to the capital employed within the territory exempt from city taxation in such trade, business, vocation, occupation or profession including the value of the land with improvements thereon, used in such trade, business, vocation or occupation and shall not exceed \$2.00 per thousand where the capital employed does exceed \$100,000.00; and shall not exceed \$1.00 per thousand on the excess of capital employed over \$100,000.00 up to \$200,000.00; and shall not exceed 50c per thousand on the excess of capital employed over \$200,000.00 up to \$300,000.00 and shall not exceed 25 cents per thousand on the excess of capital employed over \$300,000.00; provided, however, that if no capital is employed or where the capital employed is less than \$1,000.00 there shall be no privilege or

license tax assessed and collected. The material or supplies to be manufactured by any such person, firm, company or corporation and the manufactured product manufactured by any such person, firm, company or corporation is not to be considered or counted in arriving at the capital employed in such trade, business, vocation, occupation or profession. No person who is a day laborer or working on a salary, or engaged in dairying, horticulture, poultry farming or any other agricultural pursuit shall pay a license or privilege tax for carrying on such business, vocation or occupation in the territory exempt from taxation under the provisions hereof. The council or governing body of the city may assess and collect for the city a license tax from each and every transient person, firm, company or corporation which temporarily engages in any business, vocation, occupation or profession in the territory exempt from taxation under the provisions hereof, and may assess and collect a license tax from each show, circus, or other like entertainment exhibiting in the territory exempt from taxation under the provisions hereof, the amount of such tax to be fixed by the council or governing body of the city.

License tax
on common
carriers, etc.

Sec. 16. The council or governing body of the city shall have the authority and power to annually assess and collect for and in behalf of the city, a privilege or license tax from the operator of each and every common carrier, street railroad, water works, telephone or telegraph lines, or any other quasi public business which is operated or carried on in whole or in part in the territory exempt from city taxation so long as exempt from city taxation under the provisions hereof, on the following basis: The amount of such license tax shall be in proportion to the capital employed within the territory exempt from city taxation in such trade, business, or vocation and shall not exceed \$2.00 per thousand where the capital employed does not exceed \$100,000.00 and shall not exceed \$1.00 per thousand on the

Amount of.

excess of capital employed over \$100,00.00 up to \$200,000.00; and shall not exceed 50 cents per thousand on the excess of capital employed over \$200,000.00 up to \$300,000.00; and shall not exceed 25 cents per thousand on the excess of capital employed over \$300,000.00. The rolling stock of a common carrier or street railroad is not to be considered or counted in arriving at the capital employed in such trade, business, or vocation.

Sec. 17. The council or governing body of the city shall have no authority or power to levy and collect a privilege or license tax on or from any person, firm, or corporation, for carrying on any business, trade, or occupation in the territory exempt from city taxation under the provisions of this act except as herein provided.

Section 18. The public schools of the city to the extent that the same are supported and maintained by revenue derived from all sources, except appropriations made from the city treasury derived from city taxes or other source of city revenue shall be open to the children residing in the territory exempt from taxation under the provisions of this act the same as the schools are open to the children residing within the corporate limits of the city other than the territory exempt from taxation, as to that portion of any term of the public schools in the city supported and maintained by appropriations made from the city treasury derived from city taxes or other source of city revenue children residing in the territory which is exempt from taxation under the provisions hereof shall have the right to attend on the payment for the use of the city of a per capita tuition fixed (if any) by the school board or other governing body having control of the schools on a basis of what is equitable and just taking into consideration the cost and expense of supporting and maintaining such schools for such portion of any term as is supported and maintained by and from city revenue.

Taxation of
land in ex-
empted terri-
tory.

Section 19. When and as often as the owner or owners of any land situated in territory exempt from taxation under the provisions hereof shall desire the occupants of such land to exercise all of the rights and privileges conferred upon resident citizens not residing in territory exempt from taxation they may apply to the council or governing body of the city by petition in writing to have such land assessed for city taxation, attaching to such petition a map of such land showing the location of the same. If the council or governing body assent to such petition a resolution shall be passed by such council or governing body to that effect, and the mayor of such city shall endorse on such map or plat a certificate certifying that the petition was filed for the land showed on the map to be taxed by the city and that the council or governing body assent to the taxing of such land, which map so certified must be filed and recorded in the probate office of the county wherein the land is situated, and thereafter such land and property having a situs thereon shall be subject to taxation by the city, and taxes thereon shall be paid to the city, and all persons residing on such territory shall thereafter have and exercise the same rights and privileges as other citizens residing in the city other than in territory exempt from taxation.

Fees of offi-
cers for serv-
ices.

Sec. 20. The probate judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him, and all other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law to charge and collect for similar services rendered by them, and the city at whose instance the service is performed under the provisions hereof shall pay all cost and expense thereof except in the case of a contest as herein provided.

Sec. 21. The provisions hereof shall be and shall be held to be a contract by and between the city and persons or corporations owning prop-

erty in the territory exempt from taxation under the provisions hereof, and no amendment hereof or subsequent law shall confer upon the city other or different rights and powers as to such territory as is exempt from taxation so long as such territory remains exempt from taxation under the provisions hereof. Any person residing in or owning property in the territory exempt from taxation under the provisions hereof shall have the right in any court having jurisdiction to prevent the city from exercising any other or different powers in the territory exempt from taxation or any part thereof than the powers authorized under the provisions hereof.

Subsequent laws conferring power inoperative as to exempted territory.

Sec. 22. Any city or town having extended its corporate limits under the provisions of this act or any other act or law may again extend its corporate limits hereunder or under any other act or law authorizing an extension of corporate limits by such city or town. In every proceeding to extend the corporate limits of any city or town under the provisions hereof, the council of such city or town shall declare in each and every resolution herein provided for and the probate judge shall declare in each and every order directing and ordering an election to be held hereunder, and in every notice given hereunder, and in every order made and entered on the records of the probate court hereunder, that such resolution, order or notice, as the case may be, is passed, given or entered under the provisions of this act. After an election has been held in any territory under the provisions of this or any other act or law, no other or subsequent election shall be ordered or held for the same territory or any part thereof within six months next after said election.

Corporate limits may again be extended.

Time between elections.

Approved August 13, 1907.

No. 678.)

AN ACT

(H. 1252.

To fix the time of holding the circuit court in the county of Lawrence, in the eighth judicial circuit of Alabama.

Time for holding court.

Length of term.

Repeal.

Section 1. Be it enacted by the legislature of Alabama, That the circuit court in and for the county of Lawrence, in said State, shall be held at the following times, viz: on the first Monday in March and on the first Monday in September, of each year, and may continue in session at each term two weeks.

Section 2. That all laws and parts of laws, general or local, in conflict with this act be, and the same are hereby repealed.

Approved August 7, 1907.

No. 679.)

AN ACT

(H. 1083.

To make an appropriation for furnishing and equipping certain of the offices and departments in the State capitol. Be it enacted by the legislature of Alabama:

Amount appropriated & purposes of.

Section 1. That the sum of fifteen thousand, two hundred and fifty (\$15,250.00) dollars, is hereby appropriated out of any monies in the State treasury not otherwise appropriated, for the purpose of properly furnishing and equipping certain of the offices and departments in the state capitol the said sum to be apportioned and distributed to said offices and departments as follows: (1) To the office of the State auditor, located in the south wing of the capitol the sum of three thousand, five hundred (\$3,500.00) dollars, to be expended for counters, railings, desks, files and other furniture and equipment. (2) To the office of the secretary of State and insurance department, the sum of four thousand, five hundred (\$4,500.00) dollars, to be expended for papering

and painting the rooms of the said office, for fire-proof filing cabinets in which to preserve the land records of the State, incorporation articles, insurance records, and other official papers, for the preparation of a safe depository or apartment in which to keep the codes, acts, supreme court reports, and other publications held by the secretary of State for sale, for two safety deposit vaults in which to preserve the securities and other valuables of the secretary of State and of the insurance department, and for restoring the land records to good condition. (3) To the office of the State treasurer, the sum of one thousand, eight hundred (\$1,800.00) dollars, to be expended for steel fittings and shelving, file cases, desks, partition, and for painting and papering the said office. (4) To the office of the attorney-general, located in the south wing of the capitol, the sum of one thousand (\$1,000.00) dollars, to be expended for desks, filing and other cabinets, shelving, book cases and other furniture, floor covering, partition, and other needed equipments. (5) To the department of education, located in the south wing of the capitol, the sum of one thousand (\$1,000.00) dollars, to be expended for desks, filing cabinets, shelving and other furniture, and floor covering. (6) To the department of agriculture and industries, located in the south wing of the capitol, the sum of four hundred (\$400.00) dollars, to be expended for desks, filing cases, exhibition cabinets, other office furniture and floor covering. (7) To the office of the adjutant-general, the sum of three hundred (\$300.00) dollars, to be expended for desks, tables, filing cases, shelving, other office furniture and floor covering. (8) To the department of archives and history, located in the south wing of the capitol, the sum of two thousand (\$2,000.00) dollars, to be expended for filing and other cases, shelving, tables, fixtures, wire glass windows, steel window shutters and grating for the public archive room for cabinets in which to display its battle flags, banners and other museum articles; and for

desks, filing and other cases, fixtures and other furniture, to be used in preserving and making readily accessible the records and collections of the said department. (9) To the supreme court department, the sum of seven hundred and fifty (\$750.00) dollars, five hundred and fifty (\$550.00) dollars of said amount to be expended for steel filing cases for the office of clerk of the supreme court in which to preserve the records and official papers of the court, and two hundred (\$200.00) dollars of said amount to be expended for shelving, furniture and floor covering for the office of the justices of the court.

How paid.

Sec. 2. That the expenditures hereinabove authorized shall be made by the governor and by the heads of the respective offices and departments named, provided, however, that the State auditor shall draw his warrants on the amount to appropriated only on bills or vouchers approved by the governor.

Approved Aug. 6th, 1907.

No. 682.)

AN ACT

(S. 487.

To authorize incorporated cities and towns in this State which have within their corporate limits ancient, private or family cemeteries or burial grounds to contract for their care and maintenance.

Cemeteries;
care of by mu-
nicipalities
authorized.

Section 1. Be it enacted by the legislature of Alabama, That any incorporated city or town having within its corporate limits an ancient, family cemetery or burial ground, such city or town is hereby empowered and authorized to make and enter into a contract with any interested party or parties obligating and binding such city or town to forever protect, maintain and properly care for such cemetery or burial ground upon terms and conditions as may be agreed upon and for such compensation as it may see fit to accept.

Section 2. That all contracts made under the provisions of this act shall be by ordinance which shall state all the terms and conditions of the contract and the same shall be passed and approved as other ordinances of such city or town and recorded upon the minutes thereof. Contracts, how made, etc.

Approved August 7, 1907.

No. 683.)

AN ACT

(S. 476.

To amend section 3 of an act entitled "An act to protect and regulate the time and manner of catching and taking fish from and in the waters of the State of Alabama in the counties of Mobile and Baldwin," approved February 9, 1891.

Section 1. Be it enacted by the legislature of Alabama, That section 3 of an act entitled "An act to protect and regulate the time and manner of catching and taking fish from and in the waters of the State of Alabama in the counties of Mobile and Baldwin," approved February 9, 1891, which said section 3 reads as follows: "Section 3. Be it further enacted, that it shall be unlawful for any person to sell, or offer for sale any fish between the fifteenth day of March and the fifteenth day of June of each year; provided that the provisions of this section shall not apply to salt fish, not salt water fish," be and it hereby is amended so as to read as follows: Section 3. Be it further enacted, That it shall be unlawful for any person to sell, or offer for sale any fish between the fifteenth day of March and the fifteenth day of June of each year; provided that the provisions of this section shall not apply to salt fish, nor salt water fish, nor to cat fish nor to fish of any kind or species caught with hook and line, nor to fish caught outside the boundaries of the State of Alabama. Act amended.

When Unlawful to sell fish.

Exception.

Approved Aug. 7, 1907.

No. 685.)

AN ACT

(S. 441.)

To amend section one of an act "to prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted."

Act amended.

Section 1. Be it enacted by the legislature of Alabama, That section 1 of an act to prohibit, regulate and restrict the sale or other disposition of intoxicating liquors, drinks or beverages within the State of Alabama by providing for elections in the various counties of the State to determine whether the sale or other disposition of such intoxicating liquors, drinks or beverages shall be so prohibited, regulated and restricted, and approved February 26th, 1907, be amended so as to read as follows:

Election, how ordered.

Section 2. Upon the application of one-fourth of the qualified voters of any county in the State of Alabama by petition in writing, signed by such qualified voters addressed to the probate judge of such county, he shall, within ten days, after the presentation of such petition, order an election to be held in said county, within forty days from the presentation of said petition, to determine whether intoxicating liquors, drinks or beverages may be sold or otherwise disposed of within the limits of such county; but such election shall not be held within less than thirty days from the time it is ordered, nor within thirty days of the time of holding any county, State or national election in said county. And no election shall be called or held under the provisions of this act in or for any county in which a dispensary may be established or may be authorized to be established for the sale of spirituous, vinous or malt liquors, under the provisions of any

No election called in counties where dispensaries, established by present legislature.

act passed by the present session of the legislature before the expiration of two years, from the date of the approval of said act.

Approved August 7, 1907.

No. 687.) AN ACT (H. 1310.

To make an appropriation for the payment of sundry balances and to provide for the completion of the improvements on the State capitol building.

Whereas, in the progress of work on the plans adopted by Alabama Capitol Building Commission for the erection of the south wing or addition to the State capitol building and for the completion of the several contracts for the repair in the old capitol building, notwithstanding the utmost diligence and care, it has been found necessary to expend sundry small sums, namely, twelve hundred and fifty dollars in excess of the amount heretofore appropriated, for all of which the State has received full value in contracts executed and performed and in permanent improvements, in consequence of which there is now a deficiency in the amount necessary to clear off all balances due on said improvements, and,

Whereas, in addition to the foregoing, the still further sum of two thousand dollars is, or will be required to supply permanent lighting, fixtures and other necessary improvements in the south wing or addition, therefor.

Be it enacted by the legislature of Alabama, That the sum of thirty-two hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the balance or balances named and in completing the said improvements; and the State auditor is authorized and required to draw his warrant for said amount, or any part thereof in the manner now provided for the disbursement of the funds

Amount appropriated & purposes of.

appropriated for the repair and improvement of the State capitol building under act approved Feb. 17, 1903.

Approved Aug. 6, 1907.

No. 688.)

AN ACT

(H. 936.

To propose an amendment to the constitution of the State of Alabama, for the purpose of providing for the formation and establishing of new counties out of portions of one, two or more counties as may be desired. Be it enacted by the legislature of Alabama:

Amendment
proposed.

Creation of
new counties,
method of.

1st. That there shall be and there is hereby proposed an amendment to the constitution of the State of Alabama, to provide for creating and establishing new counties out of portions of any existing county or counties that now exist or that may be hereafter established, to be designated and known as Article "XIX" and in words and figures as follows: Article XIX. That new counties may be created or formed and established out of any portion of any existing county, or out of portions of any two or more counties in the manner following: If five hundred of the qualified electors of the State residing within the territory out of which it is proposed to create and establish the new county, shall petition the judge of probate of the county from which the territory is to be taken, or the probate judge of the county from which the greatest area is to be taken in the formation of the proposed county, for an order calling an election to be held in the proposed territory for the county, stating that they desire to form a new county, the name of the proposed county, the area, the proposed boundary lines, approximate population and taxable valuation of the property, which petition will be verified by one of the petitioners under oath before the judge

of probate to whom the petition is presented, said judge of probate, shall if the population is sufficient to entitle the proposed county to one representative in the legislature of the State according to the last preceding United States census reports, and the taxable value of the property shall be equal to or exceed one million dollars, and it has the constitutional area, and the area of the old counties will not be reduced below the constitutional limit, nor their population reduced so as to cut off their right to one representative in the legislature, and the boundary line will not run within seven miles of the court house of any old county at once order an election to be held by the qualified electors of the State residing within the territory of the proposed county, nor more than ninety days from the time of making the order for the election; provided that if either of the old counties have two court houses one of them may be cut off into the new county. On the day so appointed an election shall be held for the vote of the qualified electors of the State residing within the territory of the proposed county. If such election be held on the day of any general election of the State, the officers of the election, in each precinct or voting place embracing any part of the territory of the proposed new county, shall open a poll for the vote of the qualified electors residing in the new county territory. If the election be held on a day other than that of a general election, officers shall be appointed for holding the election, by the same officers and the election held in all things in accordance with and under the laws of the State governing general elections, and the election shall in all things be directed, by, held under and returns made through the probate judge ordering the election. And said probate judge shall give notice of the order or call of the election, showing the time when it is to be held and the name and the proposed boundary lines of the new county, as well as the location of each polling place, which he shall prescribe for the election by advertising once a week for four

consecutive weeks prior to the election in a newspaper published in each county from which any territory is to be taken, and if there be no newspaper published in any one or more of the counties, then such notice shall be posted at the court house of such counties, and he shall also cause to be posted at least one of such notices in each township to be included in said new county. In all elections on a proposed new county the vote cast thereat shall be canvassed and tabulated, and returns thereof made to the secretary of the State, and counted in the same manner in all things as in elections for representatives to the legislature of the State; and the governor, secretary of State, and State auditor shall, within twenty days after the receipt of the returns by the secretary of State, canvass the returns, and if it shall appear thereupon that a majority of the qualified electors who voted at such election upon the question of establishing the county, voted in favor of the same, such county shall thereupon be established; and the result of such election shall be made known by a proclamation of the Governor; and the secretary of State shall make and keep a record of the returns, result and proclamation of the governor in his office, and shall in connection therewith, make a record of the boundary lines and name of the county so established which shall be furnished to him by said judge of probate. The courts shall take judicial knowledge of the existence of the county so formed. All the election officers, when the election is not held on the day of a general election, shall receive the same compensation as in general elections, except that the probate judge in either case shall be entitled to fifty dollars for the services performed by him; and all the expenses of the election including all the advertising and printing and paying the officers, shall be paid by the petitioners for the election and a sufficient sum for that purpose shall be deposited with the judge of probate upon the filing of the petition as a condition precedent, and out of

which the said judge of probate shall pay all the expenses. Upon the ballots to be used at said election there shall be printed thereon at the top, the words "Official Ballot," and under it printed the question or words "Shall the new county of _____ be established?" Then following and below shall be printed the word "yes" and directly under it the word "no" and the choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire in answer to the question so printed on the ballot. Upon the establishment of a new county the governor of the State shall appoint all of the county officers, and the officers so appointed shall hold office until the next general election of such officers and until their successors are elected and qualified. And until otherwise provided by law the county shall belong to the judicial circuit and chancery division or district of the county from which the greatest area shall have been taken in forming the county, and the circuit judge and chancellor shall by posting a notice at the county site or such place as may be provided by the county commissioners for holding court, giving notice of the time and length of the terms of court to be held by them, for at least thirty days prior to the commencement of each term of court, and may hold court as often and continue as long in their judgment as may be necessary to dispose of the business. And if at the time of establishing a new county there is a court of record, other than a circuit or chancery court, existing and the place of its sitting is within that part of either of the old counties cut off in forming the new county such courts shall continue to exist and hold court at such place until otherwise provided by law, and its jurisdiction, powers and authority, both as to the judge and the court shall upon and by reason of the establishment of the county be then and thereby limited to and extend over the entire limits of the new county just as fully and to the same extent as though the court had been crea-

ted for the county. The county site of such county shall be located by the judge of probate and county commissioners at the town or in the community designated by the qualified electors of the State residing in the county, at an election to be called and held under the direction of said judge and commissioners for that purpose, and which election shall be held under and governed by the general election laws of the State. All municipalities existing within the territory of the new county shall continue to exist as municipal corporations and as of the new county. At the first session of the legislature next after the establishment of a county, it shall be the duty of the legislature to pass an act confirming the establishment of the county by the name and with the boundary lines established.

When election
held.

Proclama-
tion of Gov-
ernor as to.

Second. That there shall be and there is hereby an election ordered to be held by the qualified electors of the State on the day of the general election in November, 1908, to vote on this proposed amendment to the constitution of the State; and the governor of the State shall by proclamation, give notice of this election with a copy of the proposed amendment, and cause the same to be published, once a week for eight consecutive weeks next preceding the day of election in a newspaper published in each county of the State in which a newspaper is published, and by posting a copy of the same at the court house of each county in which no newspaper is published.

No. 690.)

AN ACT

(H. B. 218.)

To prohibit the display of nude pictures of a man, woman, or girl in any public place, except art galleries.

Display pro-
hibited.
Exception.

Section 1.—*Be it enacted by the Legislature of Alabama*, That it shall be unlawful to display nude pictures of a man, woman or girl in any public place, except art galleries.

Sec. 2.—*Be it further enacted*, That any one ^{Penalty.} who shall violate Sec. 1 of this Act shall on conviction be fined not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500.00.)
Approved August 9, 1907.

No. 691.) AN ACT (H. B. 1271.

To amend an Act entitled an Act to establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties, and compensation; to fix the terms of said court; and to prescribe rules and procedure for said court, "approved February 25, 1907; by adding Section 37, providing that the judge of the said Morgan county law and equity court, be authorized and empowered to direct the sheriff of Morgan county to appoint a sufficient number of deputies to serve the process of this court, and perform other necessary and proper duties, and to provide for the compensation of the sheriff, deputies and janitor for said court; and by adding Section 38 providing for the trial of all causes removed to the Morgan county law and equity court from any other court in Morgan county, and by adding Section 39, providing that a session of said court may be held at any time, and for such purpose as the judge of said court may determine, and for which petit and grand jurors may be summoned and empaneled; and by adding Section 40, providing for rendering final judgment upon forfeited bonds; and by adding Section 41, providing for the investigation of charges against any defendant in the county court of Morgan county, Ala., by the grand jury of the Morgan county law and equity court.

Act amended.

Deputies for court.

Pay of.

Section 1.—*Be it further enacted*, That the said act, entitled an Act to establish the Morgan county law and equity court; to create and define its jurisdiction; to provide its officers, their powers, duties and compensation; to fix the terms of said court, and to prescribe rules and procedure for said court," approved February 25th, 1907, be amended by adding thereto, Sections 37, 38, 39, 40 and 41, which said sections, respectively, read as follows: Section 37. That the judge of the Morgan county law and equity court be, and he is hereby authorized, and empowered to direct the sheriff of Morgan county to appoint a sufficient number of deputies to serve the processes of the Morgan county law and equity court, and perform such other duties as may be necessary, and proper for the administration of the duties of said court, provided that no more deputies be appointed from the actual necessities of the court require; that each deputy shall be a fit reputable, sober and competent man, and the judge of this court is to be the sole judge of such fitness, sobriety and competency; that each deputy shall receive for each day that he actually serves said court, during any of its terms, whether regular or special, the sum of two dollars; and the sheriff shall also receive the sum of two dollars for each day he actually waits upon said court, that the said deputies, and the said sheriff shall be paid out of the general funds in the treasury of Morgan county, Ala., in like manner as other debts are now paid; that it shall be the duty of the commissioners court of Morgan county, Ala., to order the treasurer of said county, to pay out of the funds in his hands the amounts due the sheriff, the deputies and the janitor; that said court may have a janitor, whose duties shall be to wait upon the court during any of its terms, and whenever necessary, and for such services, shall receive the sum of two dollars per day as compensation, to be paid out of the general funds in the treasury of Morgan county, Ala., the same as other debts are now paid.

Sec. 38. That this court shall have and exercise jurisdiction over all causes removed to this court from the following courts of Morgan county, Ala., to-wit: The chancery court, the circuit court, the county court, the justices courts and the mayor's court of any municipality in said county; that the causes transferred from the said circuit and chancery courts shall be placed upon the trial dockets of this court in the numerical order which they occupy on the trial dockets of said circuit and chancery courts respectively, and have the same right of precedence and priority that they had in the said circuit and chancery courts.

Causes removed to; jurisdiction over.

Sec. 39.—That at any time during the vacation or during any regular term of said court if, in the opinion of the judge of this court, a session of the court shall be held, the judge of this court, upon making a minute entry therefor, is hereby empowered and authorized, to declare this court in session for such purpose or purposes, that he may deem proper, and the judge of said court be and he is hereby authorized to order a grand jury summoned and empanelled to consider matters that may come before it, and which said grand jury may be summoned immediately and in whatsoever manner the judge may direct in said minute entry; that such grand jury shall have power and authority and it shall be its duty to investigate all matters and make all recommendations which the grand jury of the circuit court of Morgan county, Alabama, has authority to do or make; that it shall consider and investigate the matters brought to its attention by the judge of this court, and shall make all proper recommendations and findings; that the court may order the sheriff to forthwith, or at such other time as he may designate, summon from the qualified citizens of Morgan county, a petit jury or juries to serve for any time specified, or ordered by the court; that such jury so summoned shall be competent and valid to try all causes pending in said court and perform all other duties as if such

Special session.

Grand jury.

Petit jury.

Forfeitures.

petit jury or juries were regularly drawn and summoned for said court. Section 40. That if for any reason a forfeiture be taken upon any bond on the criminal side of said court, the court may order the alias capias returnable at any time during the term of the court, provided it is not earlier than thirty days, and, unless the party or parties against whom the forfeiture is taken, can show good cause at the time such capias is returnable, why the forfeiture should be set aside, then the court is hereby authorized and empowered to make the judgment final.

Approved Aug. 9, 1907.

No. 693.)

AN ACT

(H. B. 590.)

Sec. amended.

Obtaining
property by
false pretenses
when under
contract.

To amend an act entitled an act to amend Section 4730 of the criminal code of 1896, approved October 1st, 1903. Be it enacted by the Legislature of Alabama, That an act entitled an act to amend Section 4730 of the criminal code of 1896, approved October 1st, 1903, be and the same is hereby amended so as to read as follows: That Section 4730 of the criminal code of 1896, be amended so as to read as follows: Section 4730. Any person, who with intent to injure or defraud his employer, enters into a contract in writing for the performance of any act of service, and thereby obtains money or other personal property from such employer, and with like intent, and without just cause, and without refunding such money, or paying for such property, refuses or fails to perform such act or service, must on conviction be punished by a fine in double the damage suffered by the injured party, but not more than \$300, one-half of said fine to go to the county and one-half to the party injured; and any person, who with intent to injure or defraud his landlord, enters into any contract in writing for the rent of land, and thereby obtains any money or other personal property

from such landlord, and with like intent, without just cause, and without refunding such money, or paying for such property, refuses or fails to cultivate such land, or to comply with his contract relative thereto, must on conviction be punished by fine in double the damage suffered by the injured party, but not more than \$300, one-half of said fine to go to the county and one-half to the party injured. And the refusal or failure of any person, who enters into such contract, to perform such act or service or to cultivate such land, or refund such money, or pay for such property without just cause shall be prima facie evidence of the intent to injure his employer or landlord or to defraud him. That all laws and parts of laws in conflict with the provisions hereof be and the same are hereby repealed.

Approved August 15, 1907.

No. 697.)

AN ACT

(H. B. 1206.)

To make an enumeration, or census, of the Confederate Soldiers residing in the State of Alabama, and to provide for the payment therefor. Be it enacted by the Legislature of Alabama.

Section 1.—It is hereby made the duty of the ^{Tax} assessors of the State to make a full enumeration, or census, of all persons, residents of their respective counties, who served in the army or navy of the confederate State of America, or in any of the organizations of the State of their residence from 1861 to 1865, whether as officers, enlisted men, militia, or home guards for local defense, or in any other military or naval capacity in the war of secession.

Sec. 2.—The said enumeration, or census, shall show the full name, the present postoffice address. ^{What enumeration must show.}

Blanks for same.

dress, the date and place of birth, the date, the State and county of enlistment, the name and number of the several companies and regiments in which service was performed, and how such service terminated, as by parols, discharge, or imprisonment. It shall be made out on blanks to be prepared and supplied by the director of the department of archives and history. After the enumeration has been completed, the original list shall be filed in the office of the probate judge of the county where made, for permanent preservation, and a carefully compared copy duly certified under oath by the tax assessor, shall be forwarded to the department of archives and history for preservation therein. The original and the copy shall each be arranged alphabetically and made out in ink, in a legible hand, or prepared in typewriting.

Where filed.

Compensation for same.

Sec. 3.—That the compensation for making said enumeration, or census, shall be ten cents for each name enrolled under the provisions of this act, said sum to be paid on sworn statements of the amount due, to be checked and compared by the director, and approved by the governor; and an appropriation is hereby made to cover all of said several sums; and the State auditor is authorized and directed to draw his warrant in favor of the several tax assessors in accordance with the terms of this act.

How paid.

Blanks, etc. how paid for.

Sec. 4.—The sum of five hundred dollars, or so much thereof as may be necessary is hereby appropriated to cover the expense of printing the necessary blanks, circulars and forms to make said enumeration, or census, and for postage and transportation charges thereon. The State auditor shall draw his warrant to cover such expense or expenses, or bills duly receipted therefor, certified by the director, and approved by the governor.

When enumeration completed.

Sec. 5.—The said enumeration, or census, shall be completed and filed within twelve months after the passage and approval of this act.

Approved August 8, 1907.

No. 698.)

AN ACT

(H. 1349.)

Authorizing the recovery and requiring the refund of any money erroneously paid, or collected for taxes, whether paid under compulsion or protest or not.

Section 1.—*Be it enacted by the Legislature of Alabama,* That in case of the payment of money ^{Refund of taxes erroneously paid.} under mistake of law or fact upon any illegal tax assessment made under color of any law, special or general, of the State of Alabama, or by any of its political sub-divisions, authorizing the assessment or collection of taxes for any purpose whatever, whether for any municipality, for the payment of the creditors of any municipality, for schools, or otherwise, except the laws relating to taxes to be paid to the State or to the general funds of the counties, respectively, the same shall be recoverable by appropriate proceedings at law or in equity against the proper parties or their successors, with the usual rights of and upon appeal, and that such payment was not made under compulsion or protest shall be immaterial.

Sec. 2.—That in case of any petition or application for the refund of any money paid as ^{Payment of same.} aforesaid, filed with any mayor and alderman, or any other municipal or other board, court of chancery, or other authority having the control or the administration or the supervision of the receipts or disbursements of any taxes collected under, or under color of any law mentioned in Section 1 hereof, it shall have authority and be its duty upon proper proof, to pay or order paid all such money so erroneously paid, and the tax collector, custodian, disbursing officer or agency under it, is authorized and required to obey such order, and also to pay such costs as may in such petition or application, or suit as in Section 1, be awarded, adjudged or decreed, in favor of such person making such erroneous payment. ^{Exception.} Provided this act shall not apply to assessments where

owners of property receive special benefits, or where taxes were due but irregularly assessed thereon.

Provisions apply to.

Sec. 3.—That the provisions of this act shall apply to all persons and corporations who are now or who may hereafter be justly and equitably entitled to have money erroneously paid for taxes, refunded, such payments having been made within six years preceding the commencement of any action, suit, or proceedings for its recovery.

Repeal.

Sec. 4.—That all laws special or general, in conflict herewith, be and the same are hereby repealed.

Approved August 16, 1907.

No. 699.)

AN ACT

(H. 192.)

To amend section 5001 of the criminal code, and to provide for the organization of a grand jury at adjourned term of the circuit or city courts.

Sec. Amended.
Grand jury,
when organized.

Be it enacted by the legislature of Alabama, That section 5001 of the criminal code be amended so as to read as follows, to-wit: A grand jury may be organized at any special, or adjourned term of the circuit or city court, whenever, in the opinion of the presiding judge the public good requires it; such grand jury to be organized in the same manner, and its proceedings to be governed in all respects by the same rules as by law provided for a grand jury organized at a regular term of the court.

Approved August 9, 1907.

No. 703.)

AN ACT

(H. 916.)

To establish a high school for Dale county, to be located at Ozark, Alabama.

Section 1. Be it enacted by the legislature of Alabama: There is hereby established a high school for Dale county, which shall be located at Ozark in said county, and which shall be run free of all tuition charges to every pupil of the county who may attend the school. School established.

Section 2. There is hereby appropriated annually out of the State treasury the sum of five thousand dollars for the support and maintenance of the school, which sum shall be in addition to and a supplement of all other funds set apart in any manner to the school district in which the school shall be located. The funds herein appropriated shall be paid monthly by the State treasurer upon warrant issued by the State auditor on the order of the board of trustees of the school. Amount appropriated.
How paid.

Section 3. The governor, the State superintendent of education, the county superintendent of education of Dale county, and the mayor of the town of Ozark shall be ex-officio members of the board of trustees of the school and shall, together with three members to be appointed by the governor, upon the approval of this act, and who shall be qualified electors and citizens of Dale county, constitute the board of trustees of the school. The board of trustees shall elect a treasurer who shall have charge of the funds of the school and disburse the same upon the order of the board of trustees. Board of trustees, members of.
Treasurer.

Section 4. The board of trustees shall elect teachers for the school, fix the amount of their salaries, make all contracts pertaining to the business of the school, and shall have full power to control and manage the school and do any and all acts necessary for carrying out the provisions of this act. Teachers, how elected, salary, etc.

Section 5. This law shall go into effect when the governor shall have certified to the State auditor that a building suitable for the school, of not less than ten thousand dollars value has been provided for the school and deeded to the State. Effect.

Approved Aug. 9, 1907.

No. 705.)

AN ACT

(H. 427.)

To appropriate four thousand dollars to the Plantersville high school at Plantersville, Dallas county, Alabama, and to provide that the governor of Alabama, be ex-officio president of the board of trustees, and that the superintendent of education of Alabama, be ex-officio a member of the board of trustees, and to provide for the appointment by the governor of five other trustees.

Amount ap-
propriated.

Section 1. Be it enacted by the legislature of Alabama, That the sum of four thousand dollars be and is hereby appropriated to the Plantersville high school, at Plantersville, Dallas county, Alabama, out of any money in the State treasury not otherwise appropriated.

Governor &
State Superin-
tendent mem-
bers Board of
Trustees.

Section 2. That the governor of the State of Alabama, be and is hereby made ex-officio president of the board of trustees and that the superintendent of education of Alabama is made ex-officio a member of the board of trustees.

Additional
members.

Section 3. That the governor of the State of Alabama is hereby authorized to appoint five additional trustees, who shall hold their term of office for four years from the date of their appointment and until their successors are appointed and qualified. Which trustees shall be appointed from the counties of Dallas and Chilton and Autauga.

Term of of-
fice.

Counties ap-
pointed from.

Approved August 9th, 1907.

No. 707.)

AN ACT

(H. 1300.)

To amend section 393 of the code of 1896.

Sec. amended.

Be it enacted by the legislature of Alabama, That section 393 of the code of 1896, be so amended as to read as follows: 393. Chemist of Department.—The professor of agricultural chem-

istry of the Alabama Polytechnic Institute, is the ^{Chemist.} official chemist of the department. On the application of the commissioner he must analyze and certify the analysis of all fertilizers, samples of ^{Duties, etc.} which are furnished him in the manner prescribed by law; and at the request of the commissioner, if he can without conflict with his other duties, must attend conventions of agricultural chemists, make report of such matters as he may deem of interest to the department, and render such other services in the line of his profession as the commissioner may require. Provided further, that the chemist, when necessary, may deputize the ranking member of the chemical staff of the State chemical laboratory to report and sign analysis, and to make reports upon such matters as the chemist may refer to him.

Approved August 13, 1907.

No. 708.)

AN ACT

(H. 552.

To require the sheriffs of the various counties of the State of Alabama, to procure from the office of the United States internal revenue collector, a list of all persons, firms or corporations in their respective counties to whom licenses have been issued for the sale of spirituous, vinous or malt liquors, and to publish the same in some newspaper published in said counties.

Section 1. Be it enacted by the legislature of ^{Sheriffs to} Alabama, That the sheriffs of the various coun- ^{procure from} ties in the State of Alabama, shall between the ^{U. S. Internal} 1st and the 15th days of January and July of ev- ^{Revenue col-} ery year, procure from the office of the United ^{lector lists.} States internal revenue collector, for the State of Alabama, the name of each person, firm or corporation to whom a United States internal revenue license has been issued, to sell spirituous, vinous or malt liquors in the county of which he

Publication
of same.

is sheriff, during the preceding twelve months, together with the place of business of such person, firm or corporation, and such sheriff shall immediately thereafter cause to be published for three successive weeks, in some newspaper in said county the name and place of business of each of said persons, firms or corporations.

Compensa-
tion of sheriff.

Section 2. That for said services the said sheriffs shall each receive the sum of twenty-five dollars per annum and the expense and costs of publishing the same, and the expense and costs of obtaining such list, to be paid out of the general fund of his county.

Penalty for
failure.

Section 3. That if the sheriff of any county in this State shall fail or refuse to comply with the provisions of this act, he shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding five hundred dollars and may be sentenced to hard labor for the county not exceeding six months.

Repeal.

Section 4. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby expressly repealed.

Approved August 9, 1907.

No. 710.)

AN ACT

(H. 1198.

To amend sections 17 and 18 of an act to authorize cities, towns and other municipal corporations to make certain improvements on the side walks, streets, avenues, alleys, highways or other public places of such city, town, or other municipal corporation; to construct sewers, to assess the cost of such improvements, or any part thereof, upon the property abutting such street, avenue, alley, highway, or other public place or drained by such sewers, or against the right of way of any railroad so improved or drained by such sewers; to make such assessments a lien on such property and to regulate appeals from

such assessments; to provide methods for the enforcement of such lien, and the payment of such assessment and penalties; and to authorize the issue of bonds to pay for such improvements, approved March 5, 1907.

Section 1. Be it enacted by the legislature of ^{Sec. 17} Alabama, That section 17 of an act to authorize ^{amended.} cities, towns and other municipal corporations to make certain improvements on the sidewalks, streets, avenues, alleys, highways, or other public places of such city, town or other municipal corporation, to construct sewers, to assess the cost of such improvements, or any part thereof, upon the property abutting such street, avenue, alley, highway or other public place or drained by such sewers, or against the right of way of any railroad so improved or drained by such sewers, to make such assessments a lien on such property and to regulate appeals from such assessments; to provide methods for the enforcement of such lien, and the payment of such assessment and penalties; and to authorize the issue of bonds to pay for such improvements, approved March 5, 1907, be and the same is hereby amended so as to read as follows: Section 17. That any city or town ^{Cities less than 6,000 population} having a population of less than six thousand ^{may issue} bonds, notwithstanding the amount or character ^{bonds regard-} of any bonded or other indebtedness issue such ^{less of other} bonds, but the same shall be a lien or charge on ^{indebted-} ly against the property improved, and against the ^{ness.} fund collected from the assessment against the property improved, and shall not be the general obligation of the city or town nor shall such city or town be in any way liable to the holders of such bonds in case of failure to collect the same. Such last described bonds when issued shall convey and transfer to the owners thereof, all right, title, and interest in and to the assessment and the lien upon the respective lots or parcels of ground herein provided for, which liens and assessment shall stand as security for such bonds and coupons until they are paid with full

Foreclosure
suit.

power in the holder of such bonds or coupons to enforce the collection thereof by foreclosure in any court of competent jurisdiction; provided, that the first bond or coupon holder who institutes a foreclosure suit in any court against any property assessed, shall only be entitled to have the proceeds of said suit applied pro rata to the payment of his own bonds and the bonds held by others, so that not more than one foreclosure suit shall be brought against any one lot or parcel of land.

Sec. 18 amend-
ed.

Section 2. That section 18 of said act be and the same is hereby amended so as to read as follows: Section 18. That the proceeds from the

Proceeds of
sales of bonds,
how applied.

sale of bonds authorized to be issued by this act shall be applied only to the payment of the cost of improvement designated in the ordinance providing for their issue, but should there be any surplus from any bond issue over and above such cost, it may be applied to the cost of other improvements, the cost of which shall be assessed and collected as herein provided for. It shall be the duty of the city official charged with the duty of collecting assessments to keep an accurate account of all funds arising from all assessments for public improvements and to carefully and accurately keep a separate account of the fund arising from the collection of assessments under each particular improvement ordinance and no proceeds arising from assessments levied for one improvement shall be diverted to the payment of the bonds or coupons issued for any other improvement or to the payment of any other indebtedness of the city or for any other purpose whatsoever, except as herein expressly provided. The city official charged with the duty of collecting assessments shall be liable on his official bond to any holder of the bonds authorized to be issued under this act for any loss or injury to such bond holder caused by the diversion by said officer of any fund or part thereof, to the payment of any bonds or coupons, or indebtedness of the city or town, other than the bonds and interest coupons

Account kept.

Liable on
bond.

entitled and indebtedness herein authorized to be paid out of said fund, or by the use or misappropriation by said officer of any part of the funds out of which said bonds are required and contemplated herein to be paid for any other purpose than herein provided for, or for the benefit of the city or town or others. And all members of the governing body or bodies of the city or town, who shall, by their vote or in any other manner, cause, aid or encourage any such diversion, use or misappropriation of the funds out of which the bond holders are entitled to be paid for any other purpose than that authorized and required herein whereby loss or injury to the bond holders or any of them is caused, shall be jointly and severally liable to such bond holders injured to the extent of such loss or injury. All proceeds arising from the collection of assessments levied under the provisions of this act shall as soon as collected, be deposited and shall be kept by the city official charged with the duty of collecting assessments, in some bank or banks, paying interest on time deposits to be designated by the mayor and aldermen. Said collections shall not be deposited with the general funds of the city or town but shall constitute a separate deposit to the account of the public improvement fund, and shall be drawn out on check or order, and the mayor and aldermen may pass all proper ordinances and regulations requiring counter signature of the said checks and orders. At any time when the amount of any particular fund shall with its accumulations equal the amount of the outstanding bonds and accrued interest entitled to payment out of such fund the mayor and aldermen shall have authority to redeem any and all such bonds that may be presented for redemption at such time thereafter as the holders thereof may desire to present the same for redemption. The excess if any when all the bonds and coupons are redeemed and the interest thereon paid, and not in excess of the total cost and expense of the improvement to be converted into the general revenue fund of

Liability for
misappropriation of
funds.

Proceeds; how
and where
kept.

Redemption
of bonds.

Excess after
redemption.

Claims, when
presented.

When barred.

the city. In the event the amount collected from the assessment under any improvement ordinance shall exceed the total cost and expense of the improvement there shall be refunded to each of the parties affected by said assessment a proportionate amount of the excess upon demand made therefor by said parties within twelve months after maturity or payment of the bonds authorized by this act. If such claim be not presented within twelve months from the date of the maturity or payment of the bonds, they shall be forever barred and such amounts shall be converted to the general revenue fund of the city or town.

Approved August 14, 1907.

No. 713.)

AN ACT

(H. 1391.

To prescribe rules of evidence upon applications of confederate soldiers or sailors, resident citizens of Alabama, and their widows for pensions under the pension laws of Alabama as to proving the fact of service in the confederate army, or in the State troops of Alabama and that they did not desert, and to provide for a special session of the State and county boards of examiners during the year 1907 for the examination of applicants, and to repeal all laws and parts of laws in conflict with this act.

How service
proved.

Section 1. Be it enacted by the legislature of Alabama, That upon the application of any confederate soldier or sailor, resident citizens of Alabama, to any county board of examiners for a pension under the pension laws of Alabama, the fact of his having served in the confederate army or in the State troops of Alabama may be proven by the affidavit of two reliable persons who are acquainted with the facts or in the event such affidavits cannot be procured upon affida-

vits to that fact; such fact may be proven by any other evidence that will reasonably satisfy said board of such service, and that upon the application of the widow of any soldier or sailor or the widow of any Alabama soldier or sailor who served in the State in the war between the States the fact of her deceased husband having served as alleged and of his not deserting may be proven by the affidavit of two reliable witnesses who are acquainted with the facts or if such witnesses cannot be found upon affidavit to that fact it may be proven by any evidence that will reasonably satisfy the board of the truth of such facts.

Section 2. That whenever the proof of such Evidence reduced to writing; when. of two reliable witnesses, as now provided by law, the board shall cause such evidence to be reduced to writing and subscribed and sworn to by the witness offering the evidence.

Section 3. That it shall be the duty of the county board of examiners to hold a special session in their respective counties on the first Monday in September, 1907, for the purpose of examining such applications as may then be placed before them. That said session shall be conducted in all respects as now provided by law for the regular annual session, but shall not be for a longer time than for one week; that at said special session said board shall give three weeks notice by publication in some newspaper published in their respective counties once a week for three consecutive weeks. Special session of County Board.

Section 4. That it shall be the duty of the State board of examiners to hold a special session on the first Monday in October, 1907, for the purpose of passing upon such applications as may at that time be filed with the said board, provided that the said special session shall not extend for a longer time than for one week, and all pensioners placed upon the role at this session shall receive their pensions as other pensioners from the 1st day of Oct., 1907, and regularly thereafter. Special session of State Board.

Other sessions

Section 5. That said boards shall hold all other sessions as is now provided by law.

Repeal.

Section 6. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved Aug. 14, 1907.

No. 715.)

AN ACT

(H. 1123.

To exempt from taxation all the property, both real and personal, belonging to the Eastern Star.

Property ex-
empt from
taxation.

Section 1. Be it enacted by the legislature of Alabama, That all the property, both real and personal, belonging to the Grand Lodge of the Eastern Star, as to the subordinate lodges, thereof, which is itself or the income therefrom devoted to charitable or benevolent purposes, be and the same is hereby exempted from taxation, either by the State, county or any municipality.

Approved August 14, 1907.

No. 714.)

AN ACT

(H. 113.

To regulate the ginning of cotton for toll or hire in this State; to require all ginners of cotton for hire or toll to register all cotton brought to their gins in the name of the owner thereof, so far as can be ascertained, and to require of ginners of cotton for hire or toll to mark every bale of cotton ginned by them with proper marks or initials of the owner thereof so that the same can be identified; and to require the ginner to keep a register of said marks in a book which shall be opened to the public for inspection, and to punish violators of said act.

Section 1. Be it enacted by the legislature of Alabama, That from and after the passage of this act, every person, firm or corporation who gins cotton for hire or toll in this State shall keep a book in which they shall register all cotton received at their gins to be ginned in the name of the owner thereof; if known, and if not known then the ginner shall make due and diligent inquiry of the person who delivers said cotton to be ginned, and record in his book the name of the owner as given, and the name of the person from whom the cotton may be received.

Section 2. That every person, firm or corporation who gins cotton in this State for hire or toll shall mark or label each and every bale ginned by them with appropriate marks of identification, or by the initial letters of the name of the owner as soon as ginned; and that every person, firm or corporation shall record in a book kept for that purpose; said marks or labels to be kept together with the name of the owner of said cotton, as known or ascertained, as defined by section one of this act, so that said cotton can be identified; which said book shall be kept open for the inspection of the public.

Section 3. That any person, firm or corporation who violates any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

Section 4. That all local or special laws on this subject are hereby repealed and it is hereby declared to be the intent of this act to apply to the whole State.

Approved Aug. 14, 1907.

No. 716.)

AN ACT

(H. 1127.

To amend section 17 of an act entitled an act to provide a system of quarantine for this State, approved February 23, 1899.

Sec. 17
amended.

Amount ap-
propriated.

How paid.

Section 1. Be it enacted by the legislature of Alabama, That section 17 of an act entitled an act to provide a system of quarantine for this State, and approved February 23rd, 1899, be so amended as to read as follows: That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby annually appropriated to defray the expenses that may arise under the operation of this act, the said appropriation, or any part thereof, to be paid by the State treasurer on warrants issued by the State auditor, these to be based on requisitions signed by the State health officer and approved by the governor. The State board of health shall annually make to the governor a report by items of all expenditures incurred under this act.

Approved August 14, 1907.

No. 717.)

AN ACT

(H. 1090.

To create the sixteenth judicial circuit for the State of Alabama, to be composed of the counties of Blount, Etowah and St. Clair, to confer equity jurisdiction on said court as to matters arising in Blount and St. Clair counties and to provide for registers in chancery therein, to provide for the appointment and election of a judge and solicitor for said circuit and fix their salaries, and for the removal of pending causes and for the remanding of pending appeals to the new court; to regulate the convening of grand and petit juries in said circuit, and to authorize the judge of said circuit to adopt reasonable rules of practice to facilitate the business of the courts therein, to fix the time of holding courts in said circuit and places at which such courts shall be held and to require that a jury be demanded in civil causes.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby created and established the sixteenth judicial circuit for the State of Alabama, to be composed of the counties of Blount, Etowah and St. Clair. ^{Circuit created.} ^{Counties composing.}

Section 2. That as soon as practicable after the passage and approval of this act the governor shall appoint a judge in and for said circuit who shall hold office until the next general election and who shall receive the same salary and be paid at the same time and in the same manner as the salaries of other circuit judges are paid. ^{Judge of.} ^{Salary of.}

Section 3. That as soon as practicable after the passage and approval of this act, the governor shall appoint a solicitor for said circuit who shall hold office until the next general election and who shall be required to prosecute criminal cases in all the counties of the circuit, and he shall receive the same salary and be paid at the same time and in the same manner as other circuit solicitors are paid. ^{Solicitor of.} ^{Salary of.}

Section 4. That the court in the several counties composing said circuit, shall be held at the following times and places: In Etowah county non-jury terms shall begin the fourth Monday in January and June and may continue for one week. Jury terms in said county shall begin the first Monday in April and October and may continue until the business is disposed of and the circuit judge may recess the terms of court in Etowah county when necessary and to hold the courts of the other counties of the circuit. In the county of St. Clair at Ashville a non-jury term shall be held the first Monday in March and September and may continue one week and the jury terms at Ashville in said county shall begin the third Monday in March and September and may continue two weeks. At Pell City in St. Clair county non-jury terms shall begin the seventeenth Monday after the third Monday in January and July and may continue for one week. Jury terms at Pell City in said county shall begin the eighteenth Monday after the third Monday in ^{Times of holding court.}

January and July and may continue for two weeks. In Blount county non-jury terms shall begin the first Monday in February and August and may continue one week. Jury terms in said county shall begin the second Monday in February and August and may continue for two weeks.

Chancery jurisdiction.

Section 5. That the court herein established, Etowah county excepted, shall have and exercise all the powers and jurisdiction which are now and may hereafter be conferred by law upon the chancery courts of this State provided that said judge while in Etowah county shall have and exercise all the powers, and duties of a chancellor as to matters arising in the counties of Blount and St. Clair, and said court shall when exercising the jurisdiction and powers of a court of chancery, conform to the rules of procedure and practice in the chancery courts of the State.

Present registers, ex-officio registers.
Duties, etc.

Section 6. That the registers in chancery for the counties of Blount and St. Clair shall be ex-officio registers in the circuit courts of said counties respectively with the same powers, duties and liabilities, and entitled to the same fees and commissions as provided by law, for registers in chancery. That separate dockets shall be kept for all matters pertaining to the equity side of said court in each of said county. And provided that the official bond of such registers shall extend to the duties and liabilities herein imposed. Provided, that nothing in this act shall be construed to effect the tenure of office of the circuit court clerks in the several counties embraced in this act.

Bond.

Terms of office of circuit clerks.

Cases transferred.

Section 7. That all cases and court business now pending in the circuit courts of the counties of Blount, St. Clair, and Etowah, shall be and the same are hereby transferred to the court created by this act, in each of the respective counties named and shall be there disposed of in the same manner and with like effect as if the same had been instituted therein.

Non-jury cases.

Section 8. That at the non-jury terms of court in said circuit in the respective counties, no cause

in which a jury is required shall stand for trial except by consent provided however that the pleadings in causes may be acted upon and disposed of.

Section 9. That grand juries may be drawn ^{Grand juries.} and summoned in all the counties composing said circuit, except Etowah, at any time by order of the court or judges as provided by law.

Section 10. That all cases now pending in the ^{Cases on ap-} supreme court on appeal or otherwise, or which ^{peal; re-} may be hereafter be appealed or carried to said ^{manded to.} court from the circuit court of said counties, shall, if reversed, be remanded to this court in the respective counties.

Section 11. That the equity docket in the ^{Equity docket} counties of Blount, and St. Clair shall be called ^{in Blount and} peremptorily at least three times in every twelve ^{St. Clair.} months and notice of the same shall be mailed by the register to the attorneys of record in all pending causes.

Section 12. That the judge of said circuit is ^{Time of} authorized to fix the time of pleading and to ^{pleading.} adopt such reasonable rules of practice as will ^{Rules of} facilitate the business of the courts in the re- ^{practice.} spective counties.

Section 13. That in all civil causes a jury trial ^{Demand for} shall be demanded by the plaintiff on the filing ^{jury trial.} of the complaint or by the defendant within thirty days from the date of service of the same otherwise the cause shall stand for trial without a jury.

Section 14. That all laws and parts of laws ^{Repeal.} in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 14, 1907.

No. 718.)

H. J. R.

(H. J. R. 348.

Whereas, a study of the many and complex problems of transportation which now confronts the American people justifies the belief that

Improve-
ment port of
Mobile.

favorable solution may be found in the speedy improvement of navigable inland water ways and the important sea-ports of the country, and. Whereas, the port of Mobile is the recognized natural out-let for the growing commerce of a large territory, to Cuba, the West Indies and Central and South America, and Whereas, the early deepening and maintenance of the channel from said port of Mobile to the Gulf of Mexico to thirty feet is therefore, a great commercial necessity, be it Resolved, by the house of representatives, the senate concurring, that in the opinion of the legislature of Ala., it would be an act of both wisdom and duty if the federal congress would hereafter make such liberal appropriations for carrying on the improvements at the port of Mobile as would insure the speedy completion of the work there in conformity with the pressing demands of the growing commerce of said port. Resolved, further, that a copy of this preamble and resolutions be sent to each of the senators and representatives from this State in the congress of the United States, with the request that the same be laid before that body, and that such favorable action be urged by said members as will tend to secure hereafter such substantial recognition from the federal government as is justly due an enterprise of the importance of the one inaugurated at Mobile many years ago, but the work on which has seemingly not been prosecuted with sufficient rapidity to keep pace with the expanding commerce of that port.

Approved August 14, 1907.

No. 720.)

AN ACT

(H. 863.

To establish a normal school for education of white male and female teachers at Moundville, in Hale county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That there be permanently established at Moundville, Hale county, Alabama, a school for the education of white male and female teachers, who shall be taught therein, on such conditions and under such restrictions as may be prescribed, and there shall be annually appropriated and set apart, from the first day of October, 1907, the sum of twenty-five hundred (\$2500.00) dollars out of any money in the State treasury not otherwise appropriated, for the support and maintenance of the school. The said appropriation shall be under the control of the board of trustees hereinafter provided for, and shall be applied in such manner as they may deem best to carry out the purposes of this act; provided, however, that no portion of said appropriation shall be used for any other purpose than the payment of the salary of the faculty, and for the actual expenses of the said board of trustees in going to and returning from their meeting.

School estab-
lished.

Amount of ap-
propriation.

Section 2. That the board of trustees of said school shall consist of six trustees, together with the governor, State superintendent of education and the president of the school, ex-officio. The trustees shall be appointed by the governor as hereinafter provided. It shall be the duty of the governor, upon the passage of this bill, to appoint six trustees of said normal school; provided that no two of said trustees shall reside in the same county, except in the county of Hale there may be two of said trustees. Two of said trustees shall be appointed for the term of six years; two for the term of four years; two for the term of two years; and every two years thereafter it shall be the duty of the governor to appoint two trustees, whose term of office shall be for the term of six years. The members of said board of trustees shall receive no compensation for their services except their actual expenses in going to and returning from their meetings, which said expenses shall be paid upon the certificate of the secretary of

Board of
Trustees.

Terms of
office.

Expenses of
trustees, how
paid.

the board, approved by the president, shall be paid out of the fund annually appropriated and set apart for the support and maintenance of said school.

Vacancy, how filled.

Section 3. That any vacancy in the board of trustees, caused by death, resignation, or otherwise, shall be filled by appointment by the governor, the appointee holding for the unexpired term of his predecessor.

Meetings.

Section 4. That the board of trustees shall meet at such times and places as it shall appoint.

Officers of Board.

Section 5. That the board of trustees shall choose one of their number as president of their board, who shall not vote on any question except in case of a tie, and they shall elect a secretary and treasurer, and they shall take such bond from such treasurer as they shall deem sufficient and adequate to secure the faithful performance of his duties, in at least double the amount that he may have in hand at any one time, bond to be approved by the county superintendent of education and the judge of probate of Hale county, and a certified copy thereof filed in the office of the superintendent of education. The secretary and treasurer shall be chosen annually, and shall hold their offices until their successors are elected and qualified.

Disbursement of moneys.

Section 6. That the board of trustees shall, under the restrictions and limitations of law, direct the disposal of any and all monies appropriated to the school and shall prescribe the duties of the secretary and treasurer thereof.

Duty of board as to organizing school and faculty.

Section 7. That it shall be the duty of the board of trustees to organize such normal school upon the most approved plan; to elect a president and a complete and sufficient corps of instructors, who shall constitute the faculty of such normal school, and the board shall adopt such rules and regulations as may be necessary for the organization and successful operation of such normal school.

Duty of faculty.

Section 8. That it shall be the duty of the faculty to establish a course of instruction with

special reference to educating teachers in the theory and practice of teaching, and to pass all needful rules and regulations necessary for the discipline of such normal school.

Section 9. That the president of the board of trustees shall make a full and complete annual report to the superintendent of education of the operation of the normal school, specifying the number of professors or teachers, the amount of salary of each, the amount of money received and disbursed and such other information as may be required by law. Report of president of board.

Section 10. That students shall be admitted from any portion of the State and shall receive instructions free of charge for tuition, upon signing a written obligation to teach at least two years in the public schools of this State, and the obligation shall be filed in the office of the superintendent of education. Any student may be relieved from this obligation by paying such tuition as may be established by the board of trustees. Students, admission of; etc.

Section 11. That applicants for admission to the normal school shall stand a satisfactory examination in such studies as may be required by the faculty. Examination before admission.

Section 12. That the money appropriated and due to the school shall be certified semi-annually by the superintendent of education to the State auditor, upon application of the president of the board of trustees, and the State auditor shall thereupon draw his warrant on the State treasurer in favor of the treasurer of the normal school for the amount thus certified; the first half of the annual appropriation hereby made, shall be due and payable on the first day of October, 1907. Appropriation paid semi-annually.

Section 13. That in connection with the normal school hereby established, there may be established a public or other school. Public school in connection.

Section 14. That this appropriation shall be received upon condition that there shall be furnished free of charge a suitable building and grounds for said normal school, and place said Conditions of appropriation.

building and grounds under the complete control of the board of trustees established in this act.

Approved Aug. 13, 1907.

No. 721.)

AN ACT

(H. 1397.

To amend "An act to make appropriations for the ordinary expenses for the executive, legislative, and judicial departments of the State, for the interest on the public debt and for public schools." Be it enacted by the legislature of Alabama:

Act amend-
ed.

Amount ap-
propriated
for Public
printing.

Section 1. That sub-division twenty-five (25) of section one (1) of an act entitled "An act to make appropriations for the ordinary expenses for the executive, legislative and judicial departments of the State, for the interest on the public debt and for public schools," approved February 8, 1907, be amended so as to read as follows: "25. For public printing and binding including the reports of the heads of the departments, supreme court decisions, acts and journals of the legislature, advertisements and proclamations, and other public printing required by law, for the year ending Sept. 30th, 1907, fifteen thousand dollars, for the year ending Sept. 30th, 1908, twenty-five thousand dollars, and the years ending Sept. 30th, 1909 and 1910, ten thousand dollars for each year.

Approved August 14, 1907.

No. 722.)

AN ACT

(H. 324.

To define and regulate negotiable instruments.

Negotiable
instruments
defined.

Section 1. Be it enacted by the legislature of Alabama, That an instrument to be negotiable must conform to the following requirements:

1. It must be in writing and signed by the maker or drawer. 2. Must contain an unconditional promise or order to pay a sum certain in money. 3. Must be payable on demand, or at a fixed or determinable future time. 4. Must be payable to order or to bearer; and, 5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein within reasonable certainty.

Section 2. The sum payable is a sum certain ^{Sum pay-} within the meaning of this act; although it is to ^{able.} be paid: 1. With interest; or, 2. By stated installments; or, 3. By stated installments, with a provision that upon default in payment of any installment, or of interest, the whole shall become due; or, 4. With exchange, whether at a fixed rate or at the current rate; or, 5. With costs of collection, or an attorney's fee, in case of payment shall not be made at maturity.

Section 3. An unqualified order or promise to ^{When order} pay is unconditional within the meaning of this ^{uncondi-} act, though coupled with: 1. An indication of a ^{tional.} particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or, 2. A statement of the transaction which gives rise to the instrument. But an order or promise to pay out of a particular fund is not unconditional.

Section 4. An instrument is payable at a de- ^{When payable} terminable future time, within the meaning of ^{at deter-} this act, which is expressed to be payable: 1. At ^{inable future} a fixed period after date or sight; or, 2. On or before a fixed or determinable future time specified therein; or, 3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain. An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

Section 5. An instrument which contains an ^{Not negotia-} order or promise to do an act in addition to the ^{ble when.} payment of money is not negotiable. But the negotiable character of an instrument otherwise

Negotiable
character unaf-
fected by.

negotiable is not affected by a provision which:
1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or,
2. Authorizes a confession of judgment if the instrument be not paid at maturity; or, 3. Waives the benefit of any law intended for the advantage or protection of the obligator; or, 4. Gives the holder an election to require something to be done in lieu of payment of money. But nothing in this section shall validate any provision or stipulation otherwise illegal.

Validity and
negotiable
character un-
affected by.

Section 6. The validity and negotiable character of an instrument are not affected by the fact that: 1. It be not dated; or, 2. Does not specify the value given, or that any value has been given therefor; or, 3. Does not specify the place where it is drawn or the place where it is payable; or, 4. Bears a seal; or, 5. Designates a particular kind of current money in which payment is to be made. But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

Instrument
payable on de-
mand.

Section 7. An instrument is payable on demand: 1. Where it is expressed to be payable on demand or at sight, or on presentation; or, 2. In which no time for payment is expressed. 3. Where an instrument is issued, accepted or indorsed when overdue, it is as, regards the person so issuing, accepting or indorsing it, payable on demand.

Payable to or-
der.

Section 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of: 1. A payee who is not a maker, drawer or drawee; or, 2. The drawer or maker; or, 3. The drawee; or, 4. Two or more payees jointly; or, 5. One or some of several payees; or, 6. The holder of an office for the time being. Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

Section 9. The instrument is payable to bear-^{Payable to bearer.}
 er: 1. When it is expressed to be so payable; or,
 2. When it is payable to a person named therein
 or bearer; or, 3. When it is payable to the order
 of a fictitious or non-existing person, and such
 fact was known to the person making it so pay-
 able; or, 4. When the name of the payee does not
 purport to be the name of any person; or, 5.
 When the only or last indorsement is an indorse-
 ment in blank.

Section 10. The negotiable instrument need^{Need not fol-}
 not follow the language of this act, but any terms^{low language}
 are sufficient which clearly indicate an intention^{of act.}
 to conform to the requirements thereof.

Section 11. When the instrument or an ac-^{Date; prima}
 ceptance of any indorsement thereon is dated,^{facie true date.}
 such date is deemed prima facie to be the true
 date of the making, drawing, acceptance or in-
 dorsement, as the case may be.

Section 12. The instrument is not invalid for^{Ante dated or}
 the reason only that it is ante-dated or post-^{post dated.}
 dated, provided this is not done for an illegal or
 fraudulent purpose. The person to whom an in-
 strument so dated is delivered acquires a title
 thereto as of the date of delivery.

Section 13. When an instrument expressed to^{Holder may}
 be payable at a fixed period after date is issued^{insert date,}
 undated, or where the acceptance of an instru-^{when un-}
 ment payable at a fixed period after sight is un-^{dated.}
 dated, any holder may insert therein the true
 date of issue or acceptance, and the instrument
 shall be payable accordingly. The insertion of a
 wrong date does not avoid the instrument in the
 hands of a subsequent holder in due course; but
 as to him the date so inserted is to be regarded as
 the true date.

Section 14. Where the instrument is wanting^{Party in pos-}
 in any material particular, the person in pos-^{session may}
 session thereof has a prima facie authority to^{complete same.}
 complete it by filling up the blanks therein. And
 a signature on a blank paper delivered by the
 person making the signature in order that the
 paper may be converted into a negotiable instru-

ment operates as a prima facie authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

Incomplete instrument invalid if completed without authority.

Section 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

Contract incomplete until delivery.

Section 16. Every contract on a negotiable instrument is incomplete and revokable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the instrument. But where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him, is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

Delivery; to be effectual.

When language ambiguous, rule of construction.

Section 17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply: 1. Where the sum payable is expressed in words and

also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, references may be had to the figures to fix the amount. 2. Where the instrument provides for the payment of interest; without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated from the issue thereof. 3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued. 4. Where there is conflict between the written and printed provisions of the instrument, the written provisions prevail. 5. Where the instrument is so ambiguous that there is doubt whether it is a bill or a note, the holder may treat it as either at his election. 6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser. 7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Section 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name. Liability.

Section 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency. Signature by agent.

Section 20. Where the instrument contains, or a person adds to his signature, words indicating that he signs for or on behalf of the principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character without disclosing his principal does not exempt Person signing in representative capacity. Liability.

Signature by procuration.	<p>him from personal liability.</p> <p>Section 21. A signature by "procuration" operates as notice that the agent has but limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority.</p>
Indorsement of instrument by infant, etc.	<p>Section 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon.</p>
Forged signature, etc.	<p>Section 23. Where a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge therefor, or to enforce payment thereof against any party thereto, can be acquired through or under such signature, unless the party against whom it is sought to enforce such right is precluded from setting up the forgery or want of authority.</p>
Instrument deemed prima facie.	<p>Section 24. Every negotiable instrument is deemed prima facie to have been issued for a valuable consideration, and every person whose signature appears thereon to have become a party thereto for value.</p>
Value.	<p>Section 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value, and is deemed such, whether the instrument is payable on demand or at a future time.</p>
Holder for value.	<p>Section 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time.</p>
Lien of holder.	<p>Section 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien.</p>
Absence of con- sideration, ef- fect of.	<p>Section 28. Absence or failure of consideration is a matter of defense as against any person not a holder in due course, and partial failure of consideration is a defense protanto, wheth-</p>

er the failure is an ascertained and liquidated amount or otherwise.

Section 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party.

Accommodating party;
who is.

Section 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the transferee the holder thereof. If payable to bearer, it is negotiated by delivery; if payable to order, it is negotiated by the indorsement of the holder, completed by delivery.

When instrument negotiated.

Section 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Indorsement, when written.

Section 32. The indorsement must be an indorsement of the entire instrument. An indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorsees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

Indorsement, effect of.

Section 33. An indorsement may be either in blank or special; and it may also be either restrictive or qualified, or conditional.

Indorsement may be in blank, etc.

Section 34. A special indorsement specifies to the person to whom, or to whose order the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

Special endorsement.

Indorsement in blank.

Blank converted into special indorsement, how.

Section 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

Indorsement, when restrictive.

Section 36. An indorsement is restrictive which either: 1. Prohibits the further negotiation of the instrument; or, 2. Constitutes the indorsee the agent of the indorser; or, 3. Vests the title in the indorsee in trust for or to the use of some other person. But the mere absence of words implying power to negotiate does not make the indorsement restrictive.

Rights conferred by.

Section 37. A restrictive indorsement confers upon the indorsee the right: 1. To receive payment of the instrument; 2. To bring any action thereon that the indorser could bring. 3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so. But all subsequent indorsers acquire only the title of the first indorsee under the restrictive indorsement.

Qualified indorsement.

Section 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "Without recourse" or many words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

Conditional indorsement.

Section 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make a payment to the indorsee or his transferee, whether the conditions have been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

Special indorsement, may be further negotiated by delivery.

Section 40. Where an instrument, payable to bearer is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser to only such holders as take title through his indorse-

ment.

Section 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must endorse unless the one indorsing has authority to indorse for the others.

Parties not partners—all must indorse.

Section 42. Where an instrument is drawn or indorsed to a person, as "Cashier" or other fiscal officer of a bank or corporation, it is deemed prima facie to be payable to the bank or corporation of which he is such officer; and may be negotiated by either the indorsement of the bank or corporation, or the indorsement of the officer.

Drawn or indorsed to "Cashier," etc. how payable, etc.

Section 43. Where the names of the payee, or indorsee is wrongfully designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

Name misspelled, etc., how indorsed.

Section 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

Indorser in representative capacity may negative personal liability.

Section 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed prima facie to have been affected before the instrument was over due.

Section 46. Except where the contrary appears, every indorsement is presumed prima facie to have been made at the place where the instrument is dated.

Indorsement prima facie.

Section 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Negotiable in origin always negotiable.

Section 48. The owner may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

Owner may strike indorsement not necessary to title.

Section 49. Where the holder of an instrument payable to his order transfers it for value

Instrument transferred; title vested.

without indorsing it, the transfer vests in the transferee such title as the said holder had therein, and the transferee acquires, in addition, the right to have the indorsement of the said holder. But for the purpose of determining whether the transferee is a holder in due course, the negoti- are thereby relieved from liability on the instrument is actually made.

Instrument ne-
gotiated back;
may reissue
and further
negotiate;
effect of.

Section 50. Where an instrument is negoti-
ated back to a prior party, such party may, sub-
ject to the provisions of this act, reissue and
further negotiate the same—but he is not enti-
tled to enforce payment thereof against any in-
tervening party to whom he was personally lia-
ble.

Holder may
sue.

Section 51. The holder of a negotiable instru-
ment may sue thereon in his own name and pay-
ment to him in due course discharges the instru-
ment.

Holder in due
course.

Section 52. A holder in due course is a holder
who has taken the instrument under the follow-
ing conditions: 1. That the instrument is com-
plete and regular upon its face. 2. That he be-
came the holder of it before it was overdue, and
without notice that it had been previously dis-
honored if such was the fact. 3. That he took it
in good faith and for value. 4. That at the time
it was negotiated to him he had no notice of any,
infirmity in the instrument or defect in the title
of the person negotiating it.

When not
deemed hold-
er in due
course.

Section 53. Where an instrument payable on
demand is negotiated an unreasonable length of
time, after its issue the holder is not deemed a
holder in due course.

Notice of in-
firmity or de-
fect before
paid in full.
Holder in due
course as to
amount.

Section 54. Where the transferee receives
notice of any infirmity in the instrument or de-
fect in the title of the person negotiating the
same before he has paid the full amount agreed
to be paid therefor, he will be deemed a holder
in due course only to the extent of the amount
theretofore paid by him.

When title of
person negtia-
ting defective.

Section 55. The title of a person who negoti-
ates an instrument is defective within the mean-

ing of this act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

Section 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

Section 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereon against all parties liable thereon.

Section 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Section 59. Every holder is deemed prima facie to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as a holder in due course. But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

Section 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor and admits the existence of the payee and his then capacity to endorse.

Drawee engages to do.

Section 61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to endorse, and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an expressed stipulation negating or limiting his own liability to the holder.

Acceptor engages to pay.

Section 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance, and admits: 1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; 2. The existence of the payee and his then capacity to indorse.

Party deemed indorser.

Section 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Person liable as indorser.

Section 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules: 1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties. 2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer. 3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

Person negotiating warrants.

Section 65. Every person negotiating an instrument by delivery or by a qualified indorsement warrants: 1. That the instrument is genuine in all respects what it purports to be. 2. That he has a good title to it. 3. That all prior parties had capacity to contract. 4. That he has no knowledge of any fact which

would impair the validity of the instrument or render it valueless. But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee. The provisions of sub-division three of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

Section 66. Every indorser who indorses without qualification, warrants to all subsequent holders in due course: 1. The matters and things mentioned in sub-divisions one, two and three of the next preceding section; and, 2. That the instrument is at the time of his indorsement valid and subsisting. And, in addition, he engages, that on due presentment, it shall be accepted or paid, or both as the case may be, according to its tenor, and that if it be dishonored and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder or to any subsequent indorser who may be compelled to pay it.

Indorsement on instrument negotiable by delivery—liability.

Section 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liabilities of an indorser.

Section 68. As respects one another, indorsers are liable prima facie in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorsees who indorse are deemed to indorse jointly and severally.

Indorsers liable in order in which they indorse.

Section 69. Where a broker or other agent negotiates an instrument without indorsement he incurs all the liabilities prescribed in section sixty-five of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

Liability of broker negotiating instrument.

Section 70. Presentment for payment is not necessary in order to charge the person primarily on the instrument, but if the instrument is, by its terms, payable at a special place, and he

Presentment for payment, etc.

is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

Presentment;
when made.

Section 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof.

Presentment;
sufficiency.

Section 72. Presentment for payment, to be sufficient, must be made: 1, By the holder, or by some person authorized to receive payment on his behalf. 2, At a reasonable hour on a business day. 3, At a proper place as herein defined. 4, To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

Presentment;
where made.

Section 73. Presentment for payment is made at the proper place: 1, Where a place of payment is specified in the instrument and it is there presented. 2, Where no place of payment is specified and the address of the person to make payment is given in the instrument and it is there presented. 3, Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment. 4, In any other case, if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

Instrument ex-
hibited and
delivered on
payment.

Section 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

Section 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

Section 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative, if such there be, and if with the exercise of reasonable diligence he can be found.

Section 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

Section 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

Section 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

Section 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented.

Section 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

Section 82. Presentment for payment is dispensed with: 1, Where after the exercise of reasonable diligence presentment as required by this act cannot be made. 2, Where the drawee in

	a fictitious person. 3, By waive of presentment, express or implied.
When dishonored by non-payment.	Section 83. The instrument is dishonored by non-payment when: 1, It is duly presented for payment and payment is refused or can not be obtained, or 2, presentment is excused and the instrument is over due and unpaid.
Right of recourse when dishonored.	Section 84. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon, accrues to the holder.
Payable without grace, etc.	Section 85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before 12:00 o'clock noon on Saturday when that entire day is not a holiday.
Time of payment, how determined.	Section 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.
Payable at bank, effect of.	Section 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.
Payment in due course.	Section 88. Payment is made in due course when it is made at or after maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.
Notice of dishonor.	Section 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

Section 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up, would have a right to reimbursement from the party to whom the notice is given. ^{By whom given.}

Section 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not. ^{Given by agent.}

Section 92. Where notice is given by or on behalf of the holder, it inures for the benefit of all subsequent holders and all prior parties who have a right to recourse against the party to whom it is given. ^{Notice by holder, inures to.}

Section 93. Where notice is given by or on behalf of a party entitled to give notice, it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given. ^{Notice by party, inures to.}

Section 94. Where the instrument has been dishonored in the hands of an agent he may either give notice to the parties liable thereon, or he may give notice to his principal. If he gives notice to his principal, he must do so within the same time as if he were the holder, and the principal, upon the receipt of such notice, has himself the same time for giving notice as if the agent had been an independent holder. ^{Notice when dishonored in hands of agent.}

Section 95. A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A mis-description of the instrument does not vitiate unless the party to whom the notice is given is in fact misled thereby. ^{Written notice. Misdescription.}

Section 96. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails. ^{Written or oral notice. How given.}

Section 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf. ^{To whom given.}

When party
dead, notice,
how given.

Section 98. Where any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence, he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business, of the deceased.

Where parties
are partners.

Section 99. Where the parties to be notified are partners, notice to any one partner is notice to the firm, even though there has been a dissolution.

Joint parties
not partners.

Section 100. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

Party bank-
rupt, etc.

Section 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

When given.

Section 102. Notice may be given as soon as the instrument is dishonored, and unless delay is excused as hereinafter provided, must be given within the times fixed by this act.

Parties resid-
ing in same
place.
Notice, how
and when
given.

Section 103. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times: 1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following. 2. If given at his residence, it must be given before the usual hours of rest on the day following. 3. If sent by mail, it must be deposited in the post office in time to reach him in the usual course on the day following.

Parties resid-
ing in differ-
ent places.

Section 104. Where the person giving and the person to receive notice reside in different places, the notice must be given within the following times: 1. If sent by mail, it must be deposited in the post office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the

next mail thereafter. 2. If given otherwise than through the post office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post office within the time specified in the last subdivision.

Section 105. Where notice of dishonor is duly addressed and deposited in the post office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails. Placing in post office sufficient.

Section 106. Notice is deemed to have been deposited in the post office when deposited in any branch post office or in any letter box under the control of the post office department. Branch post office or mail box.

Section 107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor. Notice to antecedent parties, time allowed.

Section 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he is not given such address, then the notice must be sent as follows: 1, Either to the post office nearest to his place of residence, or to the post office where he is accustomed to receive his letters, or 2, If he lives in one place, and have his place of business in another, notice may be sent to either place; or, 3, If he is sojourning in another place, notice may be sent to the place where he is sojourning. But where the notice is actually received by the party within the time specified in this act it will be sufficient, tho not sent in accordance with the requirements of this section. Notice of dishonor, how sent.

Section 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

Section 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties, but where it is written above the signature of an indorser, it binds him only. Notice may be waived.

Section 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is binding upon all parties, but where it is written above the signature of an indorser, it binds him only. Who bound by waiver.

Section 112. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument, is binding upon all parties, but where it is written above the signature of an indorser, it binds him only. Effect of waiver of protest.

When notice
dispensed
with.

gotiable instrument, it is deemed to be a waiver not only of a formal protest but also a presentment and notice of dishonor.

Section 112. Notice of dishonor is dispensed with, when after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

Delay, when
executed.

Section 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the causes of delay cease to operate, notice must be given with reasonable diligence.

When notice
not required
to be given
drawee.

Section 114. Notice of dishonor is not required to be given to the drawer in either of the following cases: 1. Where the drawer and the drawee are the same person. 2. Where the drawee is a fictitious person, or a person not having capacity to contract. 3. Where the drawer is a person to whom the instrument is presented for payment. 4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument. 5. Where the drawer has countermanded payment.

When notice
not required
to be given
indorser.

Section 115. Notice of dishonor is not required to be given to an indorser in either of the following cases: 1. Where the drawee is a fictitious person or a person not having capacity to contract and the indorser was aware of the fact at the time he indorsed the instrument. 2. Where the indorser is the person to whom the instrument is presented for payment. 3. Where the instrument was made or accepted for his accommodation.

Notice of dis-
honor by non-
acceptance.
Subsequent
notice not nec-
essary; excep-
tion.

Section 116. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary unless in the mean time the instrument has been accepted.

Effect of
omission.

Section 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

Section 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment as the case may be; but protest is not required, except in the case of foreign bills of exchange.

Protest for non-payment after dishonor.

Section 119. A negotiable instrument is discharged: 1. By payment in due course by or on behalf of the principal debtor. 2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation. 3. By the intentional cancellation thereof by the holder. 4. By any other act which will discharge a simple contract for the payment of money. 5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

When instrument discharged.

Section 120. A person secondarily liable on the instrument is discharged: 1. By an act which discharges the instrument. 2. By intentional cancellation of his signature by the holder. 3. By the discharge of a prior party. 4. By a valid tender of payment made by a prior party. 5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved. 6. By any agreement, binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

When person secondarily liable discharged.

Section 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged, but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except: 1. Where it is payable to the order of a third person, and has been paid by the drawer; and 2. Where it was made or accepted for accommodation, it has been paid by the party accommodated.

Payment by party secondarily liable, effect of.

Renunciation
of rights.

Section 122. The holder may expressly renounce his rights against any party to the instrument before, at, or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered, up to the person primarily liable thereon.

Cancellation
by mistake,
etc.

Section 123. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled, the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

Material alteration.

Section 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration and subsequent indorsers. But where an instrument has been materially altered and is in the hands of a holder in due course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

Material alteration, what constitutes.

Section 125. Any alteration which changes: 1. The date. 2. The sum payable, either for principal or interest. 3. The time or place of payment. 4. The number or the relations of the parties. 5. The medium or currency in which payment is to be made. Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect is a material alteration.

Bill of exchange.

Section 126. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on

demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer.

Section 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof and the drawee is not liable on the bill unless and until he accepts the same. Does not operate as assignment until accepted.

Section 128. A bill may be addressed to two or more drawees jointly, whether they are partners or not; but not to two or more drawees in the alternative or in succession. Addressed to two parties.

Section 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this State; any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill. Inland bill. Foreign bill.

Section 130. Where in a bill drawer and drawee are the same person or where the drawee is a fictitious person or a person not having capacity to contract, the holder may treat the instrument at his option, either as a bill of exchange or a promissory note. Drawer and drawee same person; how treated.

Section 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not, as he may see fit. Referee.

Section 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawer. It must not express that the drawee will perform his promise by any other means than the payment of money. Acceptance of bill.

Section 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and if such request is refused, may treat the bill as dishonored. Acceptance written on bill.

When written
on paper
other than
bill.

Section 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown, and who, in the faith thereof, receives the bill for value.

Unconditional
promise in
writing to ac-
cept bill.

Section 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

Time allowed
drawee to de-
cide as to ac-
ceptance.

Section 136. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance, if given, dates as of the day of presentation.

When drawee
destroys or
fails to re-
turn bill.

Section 137. Where a drawee to whom a bill is delivered for acceptance, destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

Bill may be
accepted be-
fore signed by
drawee, etc.

Section 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different argument is entitled to have the bill accepted as of the date of the first presentment.

Acceptance,
kinds of.

Section 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in expressed terms varies the effect of the bill as drawn.

General ac-
ceptance.

Section 140. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only, and not elsewhere.

Qualified ac-
ceptance.

Section 141. An acceptance is qualified, which is: 1. Conditional, that is to say, which makes

payment by the acceptor dependent on the fulfillment of a condition therein stated. 2. Partial; that is to say, an acceptance to pay part only of the amount for which the bill is drawn. 3. Local; that is to say, an acceptance to pay only at a particular place. 4. Qualified; as to time. 5. The acceptance of some one or more of the drawees, but not of all.

Section 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notices of a qualified acceptance, he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

Section 143. Presentment for acceptance must be made: 1. Where the bill is payable after sight, or in any other case where presentment for acceptance is necessary in order to fix the maturity of the instrument; or, 2. Where a bill expressly stipulates that it shall be presented for acceptance; or, 3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee. In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Section 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so the drawee and all indorsers are discharged.

Section 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill

Holder may refuse qualified acceptance.

Presentment for acceptance, when made.

Failure to present in reasonable time.

Presentment for acceptance on behalf of holder.

is over due to the drawer or some person authorized to accept or refuse acceptance on his behalf: and, 1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only. 2. Where the drawee is dead, presentment may be made to his personal representative. 3. Where the drawee has been adjudged a bankrupt or an insolvent, or has made assignment for the benefit of his creditors, presentment may be made to him or to his trustee or assignee.

Days present-
able for ac-
ceptance.

As to Satur-
day.

When delay
in presentment
excused.

Section 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of section seventy-two and eighty-five of this act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before twelve o'clock noon on that day.

Section 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawees and indorsers.

Presentment
for acceptance
excused and
bill treated as
dishonored;
when.

Section 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases: 1. Where the drawee is dead, or has absconded or is a fictitious person or a person not having capacity to contract by bill. 2. Where after the exercise of reasonable diligence, presentment can not be made. 3. Where although presentment has been irregular, acceptance has been refused on some ground.

Bill dishon-
ored by non-
acceptance.

Section 149. A bill is dishonored by non-acceptance: 1. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained; or,

2. When a presentment for acceptance is excused and the bill is not accepted.

Section 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers.

Section 151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holders and no presentment for payment is necessary.

Section 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill has not previously been dishonored by non-acceptance is dishonored by non-payment. It must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof, in case of dishonor is unnecessary.

Section 153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of a notary making it and must specify: 1. The time and place of presentment. 2. The fact that presentment was made and the manner thereof. 3. The cause or reason for protesting the bill. 4. The demand made and the answer given, if any, of the fact that the drawee or acceptor could not be found.

Section 154. Protest may be made by: 1. A notary public; or, 2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more creditable witnesses.

Section 155. When a bill is protested such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

Place of protest.

Section 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no other presentment for payment to, or demand on, the drawee is necessary.

Protest for non-acceptance. Subsequent protest for non-payment.

Section 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

Acceptor adjudged bankrupt, etc., protest as to drawer and endorser.

Section 158. Where the acceptor has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

Protest, what dispenses with.

Section 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting, or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

Protest on copy, etc., when bill lost.

Section 160. Where a bill is lost or destroyed, or is wrongfully detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

Acceptance supra protest.

Section 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security, and is not overdue, any person not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill supra protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn, and where there has been an acceptance for honor for one party, there may be a further acceptance by a dif-

ferent person for the honor of another party.

Section 162. An acceptance for honor ^{Acceptance} supra protest must be in writing and indicate that it is for honor, ^{supra protest,} and must be signed by ^{how made.} the acceptor for honor.

Section 163. Where an acceptance for honor ^{Acceptance} does not expressly state for whose honor it is for honor of ^{drawer.} made, it is deemed to be an acceptance for the honor of the drawer.

Section 164. The acceptor for honor is liable ^{Acceptor for} to the holder and to all parties to the bill subse- ^{honor, to} quent to the party for whose honor he has ac- ^{whom liable.} cepted.

Section 165. The acceptor for honor by such ^{What accept-} acceptance engages that he will on due present- ^{or for honor} ment pay the bill according to the terms of his ^{engages to do.} acceptance, provided it shall not have been paid by the drawee; and provided also, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him.

Section 166. When a bill payable after sight ^{Maturity of} is accepted for honor its maturity is calculated ^{bill payable} from the date of the noting for non-acceptance ^{after sight ac-} and not from the date of acceptance for honor. ^{cepted for} ^{honor.}

Section 167. Where a dishonored bill has been ^{Dishonored} accepted for honor supra protest or contains a ^{bill protested} reference in case of need, it must be protested for ^{before present-} non-payment before it is presented for payment ^{ed to acceptor} to the acceptor for honor or referee in case of ^{for honor or} need. ^{referee.}

Section 168. Presentment for payment to the ^{Presentment} acceptor for honor must be made as follows: 1. ^{for payment to} If it is to be presented in the place where the pro- ^{acceptor for} test for non-payment was made, it must be pre- ^{honor; how} sented not later than the day following its matu- ^{made.} rity. 2. If it is to be presented in some other place where it was protested, then it must be forwarded within the time specified in section 104.

Section 169. The provisions of section 81 ap- ^{Provisions of} ply where there is delay in making the present- ^{Sec. 81 appli-} ment to the acceptor for honor or referee in case ^{cable.} of need.

Protested
when dishon-
ored by accep-
tor.

Section 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him.

After protest,
person may
pay for honor
of person li-
able.

Section 171. Where a bill has been protested for non-payment, any person may intervene and pay it supra protest for the honor of any person liable thereon or for the honor of the person for whose account it was drawn.

Payment for
honor supra
protest must
be attested.

Section 172. The payment for honor supra protest in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it.

Declaration of
payer.

Section 173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

Preference
given parties
in paying.

Section 174. Where two or more persons offer to pay a bill for the honor of different parties the person whose payment will discharge most parties to the bill is to be given the preference.

What parties
discharged
by payment
for honor.
Rights of pay-
er for honor.

Section 175. Where a bill has been paid for honor all parties subsequent to the party for whose honor it is paid or discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

Refusal of
payment.
Rights of re-
course lost.

Section 176. Where the holder of a bill refuses to receive payment supra protest, he loses the right of recourse against any party who would have been discharged by such payment.

Payer for
honor entitled
to bill and
protest.

Section 177. The payer for honor on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

Sets; when
constitute one
bill.

Section 178. Where a bill is drawn in a set each part of the set being numbered and containing a reference to the other parts, and the whole of the parts constitute one bill.

Section 179. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section effects the rights of a person who in due course accepts or pays the part first presented to him.

Section 180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorsee subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

Section 181. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Section 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of the holder in due course, he is liable to the holder thereof.

Section 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise, the whole bill is discharged.

Section 184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another, signed by the maker engaging to pay on demand or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the makers own order it is not complete until indorsed by him.

Section 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this act are applicable to a bill of exchange payable on demand apply to a check.

Presentment
for pay-
ment.

Section 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

When cer-
tified by bank.

Section 187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

When certi-
fied, drawer
and indorsers
discharged.

Section 188. Where the holder of a check procures it to be accepted or certified, the drawer and all indorsers are discharged from liability thereon.

Section 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank and the bank is not liable to the holder, unless and until it accepts or certifies the check.

Act known as.

Section 190. This act shall be known as the "Negotiable Instrument Law."

Meaning of
terms.

Section 191. In this act unless the context otherwise requires: "Acceptance" means an acceptance completed by delivery or notification. "Action" includes counter-claim and set-off. "Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not. "Bearer" means the person in possession of a bill or note which is payable to bearer. "Bill" means bill of exchange, and "Note" means negotiable promissory note. "Delivery" means transfer of possession, actual or constructive, from one person to another. "Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof. "Indorsement" means an indorsement completed by delivery. "Instrument" means negotiable instrument. "Issue" means the first delivery of the instrument, complete in form, to a person who takes it as a holder. "Person" includes a body of persons whether incorporated or not. "Value" means valuable consideration. "Written" includes printed and "writing" includes print.

Section 192. The person "primarily" liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are "secondarily" liable.

Section 193. In determining what is a "reasonable time" or an "unreasonable time" regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case.

Section 194. Where the day, or the last day, for doing an act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Section 195. The provisions of this act do not apply to negotiable instruments made and delivered prior to the first day of January, 1908.

Section 196. In any case not provided for in this act the rules of the law merchant shall govern.

Section 197. This chapter shall take effect on the first day of January, 1908.

Section 198. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 9th, 1907.

No. 723.)

AN ACT

(H. 25.

To define corrupt solicitation of legislators and provide adequate punishment therefor and the means to effectually enforce this act.

Section 1. Be it enacted by the legislature of Alabama, That any person who for, or without a fee or reward of any kind, gift, gratuity, or thing of value, or the promise or hope thereof, corruptly solicits, persuades or influences, or attempts to influence any senator or representative, in the legislature of this State, to cast his vote, either

Penalty.

Officials of.
State or
county.

Penalty.

Exception.

in the committee, or in either house of the legislature, or to speak, or work for, or against any pending measure, or one about to be introduced into either house of the legislature, or to abstain from speaking or voting on any measure, or to absent himself from any committee meeting, or any session, or part of a session of either house while any measure is being considered, or voted on, is guilty of a felony, and must, on conviction, be fined not less than five hundred dollars and be imprisoned in the penitentiary for not less than one nor more than two years.

Section 2. It shall be unlawful for any State or county official at any time during his term of office to accept or receive, directly or indirectly, any fee, money, office, appointment, employment, reward or thing of value or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the legislature, or to give or withhold his influence to secure the passage or defeat of any such measure, and any person guilty of the violation of any of the provisions of this section shall be guilty of a misdemeanor and shall be fined in a sum not exceeding five hundred dollars. Provided, that it shall not be unlawful for any county or municipal officer to accept from the county or municipality reimbursement for expenses incurred in attending any sitting of the legislature as to proposed legislature affecting such county or municipality.

Approved August 14, 1907.

No. 724.)

AN ACT

(H. 1378.)

To allow cities and towns to issue bonds to pay outstanding indebtedness not evidenced by bonds.

Cities and
towns author-
ized to issue
bonds.

Section 1. Be it enacted by the legislature of Alabama, That cities and towns shall have the

power within one year from the passage of this act to pay any outstanding indebtedness not evidenced by bonds, by issuing bonds not in excess of the amount of such indebtedness, and within the limits prescribed by the constitution of the State. Such bonds shall not be sold for less than par and shall not bear a rate of interest greater than five per cent, nor run for a longer time than for thirty years, and shall only be issued after an election shall have been held by the qualified electors of such city or town authorizing such bond issue. And such election authorizing the issuance of such bonds shall be conducted in the manner prescribed by law for the issuance of bonds for the purpose of making improvements.

Approved Aug. 14, 1907.

No. 725.)

AN ACT

(H. 903.

To ratify, legalize and confirm all sales and conveyances heretofore made by the electric light and power companies, water companies and street railway companies, of all of their property and franchises, to any corporation authorized by its charter, certificate of incorporation, or declaration of incorporation, to acquire, own or operate such properties and franchises, where said sales and conveyances have been made pursuant to and with the consent of all stockholders of such selling corporation or corporations, and requiring the purchasing corporation to fulfill all of the obligations, contracts, and duties of the said selling corporation or corporations.

Section One. Be it enacted by the legislature of Alabama, That all sales and conveyances heretofore made by electric light and power companies, water companies, and street railway companies of all of their property and franchises in

Sales, etc.,
ratified.

this State to any corporation authorized by its charter, certificate of incorporation or declaration of incorporation to acquire, own or operate such properties and franchises; where said sales and conveyances have been made pursuant to and with the consent of all stockholders of such selling corporation or corporations, be and the same are hereby in all things ratified, legalized and confirmed.

Contracts,
etc., must be
fulfilled.

Section 2. That any corporation which has heretofore acquired by purchase the property and franchises of any electric light and power company, water company, or street railway company, or two or more of them, shall be held to the fulfillment of all of the obligations, contracts and duties of the corporation or corporations, the property and franchises of which it has so acquired.

Approved August 14, 1907.

No. 726.)

AN ACT

(H. 928.

To prohibit the sale of hop-jack, hop-tea, hop-weiss, hop-ale, malt tonic, or other beverages, the product of maltose or gencose, at any place where the sale of spirituous, vinous or malt liquors are prohibited by law.

Sale of pro -
hibited in pro-
hibition dis-
trict.

Section 1. Be it enacted by the legislature of Alabama, That it shall be unlawful to sell, give away or otherwise dispose of hop-jack, hop-tea, hop-weiss, hop-ale, malt tonic or any other beverage which is the product of maltose or gencose, or in which maltose or gencose is a substantial ingredient, at or in any place where the sale of spirituous, vinous or malt liquors is prohibited by law.

Penalty for
violation.

Section 2. Any person violating any provisions of this act, shall be fined not less than fifty nor more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to

hard labor for the county for not exceeding six months.

Section 3. That this act shall not go into effect until the first day of January, 1908. Effect.

Approved August 13, 1907.

No. 728.)

AN ACT

(H. 937.

To amend Sec. 5 of an act entitled an act "To establish a home for indigent confederate veterans residing in the State of Alabama, who are unable to make a livelihood on account of physical disability or old age, and make appropriations for improving and maintaining the same," approved Oct. 6th, 1903.

Section 1. Be it enacted by the legislature of Alabama, That Sec. five (5) of an act entitled an act "To establish a home for indigent confederate veterans, residing in the State of Alabama, who are unable to make a livelihood on account of physical disability or old age, and make appropriations for improving and maintaining the same," approved Oct. 6th, 1903, be, and the same is amended so as to read as follows: (Section 5.) The board of control shall possess all the power necessary and proper for the accomplishment of the trust reposed in them, viz.: The establishment and maintenance of a home for indigent confederate veterans and indigent wives of indigent confederate veterans when accompanied by their husbands, who shall have been bona fide residents of the State of Alabama for two years prior to making application for admission into the home. Act amended.
Board of Control.

Approved August 14, 1907.

To amend section 2904 of the code of Alabama
as now amended.

Code amended. Section 1. Be it enacted by the legislature of Alabama, That section 2904 of the code of Alabama be and the same is hereby amended so as to read as follows: 2904. Appropriation.— That the sum of three thousand and two hundred dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated, for each of the years 1907, 1908, 1909, and 1910, to pay the necessary traveling and other necessary expenses incurred by the members of the board of mine inspectors while traveling in the discharge of their official duties and for the payment of office rent for said board not to exceed forty dollars a month; and for the rent or hire of a telephone at the residence of each member of said board and one telephone at the office of said board for postage stamps and stationery, and for the payment of long distance and telegraph messages sent by the members of said board when necessary in the discharge of their official duties; said expenses to be paid monthly on approval by the governor of monthly itemized statements presented to him by the chief mine inspector.

Expenses
mine inspectors.

How paid.

Section 2. That the State auditor is hereby authorized and directed to draw his warrant on the State treasurer in favor of the chief mine inspector for the monthly expenses incurred as aforesaid, when so directed by the governor of this State.

Effect.

Section 3. Be it further enacted, That this act take effect and be in force immediately from and after its passage.

Approved Aug. 8, 1907.

No. 730.)

AN ACT

(H. 1342.

To amend sections 14 and 16 of an act entitled "An act to prescribe rules and regulations relating to demurrage and car service and the charges therefor and the respective rights, duties, obligations, liabilities and remedies of common carriers by rail and shippers and consignees with respect to the furnishing of empty cars and the transportation and delivery of freight and delay of shippers and consignees in the loading and unloading of cars and the receiving of freight and charges for such delay," approved February 28, 1907.

Section 1. Be it enacted by the legislature of Alabama, That section 14 of an act entitled "An act to prescribe rules and regulations relating to demurrage and car service and the charges therefor and the respective rights, duties, obligations, liabilities and remedies of common carriers by rail and shippers and consignees with respect to the furnishing of empty cars and the transportation and delivery of freight and delay of shippers and consignees in the loading and unloading of cars and the receiving of freight, and charges for such delay," approved February 28, 1907, be and the same is hereby amended so as to read as follows: Section 14. All incoming car-load freight, if the same be not removed before demurrage charges to the amount of \$5.00 attach, may be stored by the carrier in its own depots or warehouses, or in public or private warehouses, at the expense of the consignee or owner; provided that the rates charged for such storage shall be reasonable and that after storage charges attach no demurrage charges shall be made.

Incoming car
load freight.

Section 2. That section 16 of said act be and the same is hereby amended so as to read as follows: Section 16 amended.

When goods shipped consigned but name of party to be notified expressed in bill of lading.

Section 16. When consignors ship goods consigned to order but express in the bills of lading or shipping directions the name of a person at destination to be notified, it shall be the duty of the railroad or other transportation company to give notice to such person in the same way as if the shipment had been made direct to him. But when consignors do not designate the name of the person to be notified the railroad or other transportation company shall give such notice only to such consignors.

Approved August 9, 1907.

No. 731.)

AN ACT

(H. 1359.)

To provide for refurnishing and in keeping in repair the State capitol and the several offices therein, and to provide for the improvement and keeping in order the State capitol grounds. Be it enacted by the legislature of Alabama:

Amount appropriated for refurnishing, etc., capitol.

Section 1. That the sum of six thousand (\$6,000.00) dollars annually for the years 1907, 1908, 1909 and 1910 is hereby appropriated for the use of the governor in refurnishing and in keeping in repair the State capitol and the several offices therein, and to provide for the improvement and keeping in order the State capitol grounds.

When available and how paid out.

Section 2. The amount hereby appropriated shall be immediately available, and the State auditor shall draw his warrant for all or any part of said sum on the order of the governor.

Approved August 6, 1907.

No. 732.)

AN ACT

(H. 1323.

To appropriate fifteen hundred dollars for the purpose of furnishing and equipping the office of mine inspectors of this State with necessary and suitable furniture, apparatus, machines and all other necessary instruments.

Section 1. Be it enacted by the legislature of Alabama, That the sum of fifteen hundred dollars be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to furnish and equip the office of the mine inspectors with the necessary and suitable furniture, record books, anemometers, gas testing machines, barometers, hygrometers, inclinometers, smoke, gas and fume helmets, water gauges, speed indicators, safety lamps, and all other instruments necessary to properly equip said office. ^{Amount appropriated and purposes of.}

Section 2. That the State auditor be and he is hereby authorized to draw his warrant on the State treasurer in favor of the chief mine inspector for the said sum of fifteen hundred dollars or so much thereof as may be used by him for the purposes aforesaid, the same to be approved by the governor of the State. ^{How paid.}

Section 3. That this act take effect and be in force from and after its passage. ^{Effect.}

Approved August 8, 1907.

No. 733.)

AN ACT

(H. 1273.

To amend section 8 of an act entitled an act to provide for the construction and maintenance of good public roads and bridges in the several counties of the State of Alabama, approved October 10, 1903.

Act amended. Section 1. Be it enacted by the legislature of Alabama, That section 8 of an act entitled an act to provide for the construction and maintenance of good public roads and bridges in the several counties of the State of Alabama, approved October 10, 1903, be amended so as to read as follows: Section 8. That the courts of county commissioners and boards of revenue may, if they deem it expedient or proper, divide their respective counties into "road districts" and when such districts are created the said courts of county commissioners or boards of revenue may order elections in such districts or any of them, or in and for the entire county, for the purpose of ascertaining whether it is the will of the people of such district or districts or county that a tax of not more than one-fourth of one per centum on the taxable property in such district or districts or county shall be levied and assessed for the purpose of constructing, improving and maintaining the public roads and bridges in such district or districts or county. That such election shall be held in such manner as the courts of county commissioners or boards of revenue shall provide and only the qualified electors of such district or districts or county shall vote at such election. If a majority of the voters at such election shall vote for such tax the same shall be levied, assessed and collected as other taxes for county purposes. All taxes which may be levied and assessed under the provisions of this act shall constitute a lien on the property of the person against whom they are assessed, superior to all other liens, except the State's lien for taxes. Provided, no contract shall be made except after advertisement for thirty days in some newspaper published in the county accurately describing the character of work to be done and of the time and place of letting and then only to the lowest bidder for such work, who shall enter into bond in double the amount of such bid conditioned for the proper performance of said contract according to the plans and

Road districts.

Elections.

How held.

specifications and within the time prescribed by the order of the court for such work which bond shall be approved by the judge of probate for said county. Provided also that the court of county commissioners or courts of like jurisdiction may, accept a money compensation to be fixed by them not to exceed ten dollars per capita per annum from those liable for road duty, in lieu of the labor required by law upon public roads. Said money to go into the road fund of said county and to be appropriated exclusively to the public roads in the precinct or beat from which the money was collected. Provided that no contract under this act shall be let to any State, county or municipal officer or to any firm or corporation in which any such officer is interested. That the courts of county commissioners of the several counties of the State, and similar courts of like jurisdiction, by whatever name designated, be and they are hereby authorized in their discretion to work the public roads of their respective counties by the labor of county convicts, and for this purpose may employ the county convicts of their respective counties or hire ^{May work} the county convicts of other counties at such sums and upon such terms and conditions as may be agreed upon, not in conflict with the general laws of the State relative to the proper care and control of such convicts. That nothing in this act shall be construed as affecting or repealing the law now in force requiring persons subject to road duty to work on the public roads for not more than ten days. Provided that this bill shall not repeal any local or special laws now in existence, unless the commissioners' court of board of public works having charge of the public roads, or other court or board of like jurisdiction having charge of public roads of any county, entered on the minutes of said court or boards adopt the provisions of this act in addition to any special or local laws that may exist in said county.

Approved Aug. 13, 1907.

No. 735.)

AN ACT

(S. B. 343.

To require and regulate the giving of bills of lading or receipts for property received by any common carrier, railroad or transportation company for transportation, originating and terminating within this State, and to fix the liability of the initial carrier for any loss, injury or damage to such property, and prohibit the limitation of such liability by contract.

Initial line of
road liable for
property.

Section 1. Be it enacted by the Legislature of Alabama, That every common carrier, railroad or transportation company receiving property for transportation, originating and terminating in this State, shall issue to the shipper a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it or by any common carrier, railroad or transportation company, to which said property may be delivered, or over whose lines such property may pass; and no contract, stipulation receipt, rule or regulation contained in said receipt or bill of lading shall exempt such common carrier, railroad or transportation company from the liability hereby imposed. Provided, That nothing in this act shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing laws.

No contract or
agreement
shall exempt
initial line.

Sec. 2. That no contract, stipulation, rule or regulation, whether contained in said bill of lading or otherwise, shall exempt such common carrier, railroad or transportation company from the liability imposed by section one of this act.

Sec. 3. That all laws and parts of laws in conflict or inconsistent with the provisions of this act, be and the same are hereby repealed.

Repeal.

Approved August 9, 1907.

No. 736.)

AN ACT

(S. 347.

To establish and maintain a State sanatorium for consumption and tuberculosis, and to provide for disseminating information upon the nature, treatment and cure of tubercular diseases, and to make appropriations therefor.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby created and established a "State Sanatorium" for the study of tuberculosis, disseminating the results of the study, showing the best methods of treating it and preventing its spread; and for the care and treatment of such persons as may be admitted to the sanatorium. ^{Sanatorium for tuberculosis created.}

Section 2. That there is hereby created and established a board of seven persons who shall constitute the board of trustees of the State sanatorium, to be styled the Alabama Sanatorium for Consumption and Tuberculosis and to be hereinafter referred to in this act as the sanatorium. The governor shall be a member of said board of trustees and chairman of the same. The State health officer shall be a member and secretary of the same. The governor shall appoint the other five members, 3 of whom shall be practicing physicians and members in good standing of the medical association of Alabama, who shall serve respectively until the first Mondays in May, 1908, 1909, 1910, 1911 and 1912, and until their successors are respectively elected or appointed as herein provided. The successors of those members whose terms expire in 1908, 1909, 1910 shall be elected by the said medical association of Alabama, and the successors of those whose terms expire in 1911 and 1912 shall be appointed by the governor and each of said five members shall serve for a term of five years and until his successor is elected or appointed; and the suc- ^{Board of trustees.} ^{Member.} ^{Terms of.} ^{Successors of.}

cessor of each of said members shall thereafter be elected or appointed for a term of five years and until their successor is elected or appointed as hereinbefore provided; vacancies from any cause shall be filled for the unexpired terms by appointment by the governor of members appointed by him and by the medical association of Alabama in the offices elected by it.

Superin-
tendent of
Sanatorium.

Section 3. The trustees shall elect a superintendent of the sanatorium, who must be a learned physician of skill and experience and who shall reside in the sanatorium and give his whole time to the management of the work and affairs of the sanatorium, and receive such salary as may be fixed by the trustees and who shall hold office for the term prescribed by the trustees, and be removed by them whenever in their judgment the best interests of the sanatorium require it.

Assistants.

Section 4. The superintendent shall, with the approval of the trustees, elect such assistants as may be necessary who are learned and skilled physicians, who shall, under the direction of the superintendent, make research and investigation of and concerning tuberculosis, its nature, treatment, and cure, and shall also select such agents and servants as the trustees may deem necessary to properly carry on the work of the sanatorium and the trustees shall fix the time and terms of their employment and their compensation and shall remove any or all of such employees, whenever the best interests of the sanatorium and its work require their removal.

Land for
same.

Section 5. The trustees shall select and buy a tract of land of not less than one hundred and sixty (160) acres, in a healthful locality, with good natural drainage and an abundant supply of good water, and shall cause to be erected thereon the necessary buildings for residences, laboratories, store-rooms, barns, stables, cottages, for patients, and all and every structure or thing necessary for the proper conduct of the sanatorium, and shall take the title thereto in

the name of "The State of Alabama" and until the State insures the property the trustees shall insure such building as may be erected on property bought by them in the name of the "State of Alabama," for the use of the "Sanatorium."

Section 5 1-2. Should a suitable location be found on land already owned by the State the governor is hereby authorized in his discretion to permit the sanatorium to be established upon such land. State land may be used.

Section 6. When the buildings constructed under the provisions of this act are so far completed that, in the opinion of the trustees, they may be properly used for the purposes for which said sanatorium is designed, the governor shall issue a proclamation announcing it opened for the reception of patients. Proclamation as to opening of

Section 7. The superintendent shall employ, direct and control all help serving about said sanatorium. In addition to the other duties herein prescribed said trustees shall from time to time cause to be issued and promulgated through the secretary, bulletins setting forth needful and proper information to the public as to the character of tuberculosis, and as how best to combat and control its dissemination, and the best modes of its treatment. Bulletins, etc.

Section 8. Cases of tuberculosis shall be divided into three classes, namely, (1) curable cases; (2) cases of questionable curability; (3) incurable cases. Patients belonging to the first class shall be admitted to the sanatorium; those belonging to the second class may be admitted, if after careful examination it is believed that the disease can be either arrested or cured in such cases; patients belonging to the third class shall not be admitted. Cases; how divided.

Section 9. The trustees of the sanatorium shall arrange the cottages for the occupancy of patients so that those for negro patients shall be entirely separate from those for white patients, and if the topograph of the land will permit it, must be placed out of sight of those occupied by Cottages, how arranged, etc.

white patients. The cottages for men and women of each race shall be separate and apart from each other, and if the surface of the earth and the trees thereon do not furnish natural barriers and screens, they must be grown out of strong, quickly growing hedge plants and ornamental vines.

Selection of place.

Section 10. The trustees in selecting a location for the sanatorium may have regard to fertile farm land lying adjoining or within convenient distance, and must buy enough of said land to establish and maintain a dairy farm thereon to supply the sanatorium with milk, poultry, fresh meats and vegetables.

Charges for inmates.

Section 11. The charges to such inmates of the sanatorium as are able to pay for the same, or of such as have persons, or kindred, bound, by law, or otherwise, to maintain them, shall be paid by such inmates, by such persons or such kindred, at a rate to be determined by the board of trustees of said sanatorium. The trustees may in their discretion receive other patients who have no means to pay for treatment, and the board of all such patients shall be paid from the treasury of the State, provided that the board of such patients does not exceed \$4.20 per week for each of such indigent patients. Said payments shall be made on the first days of October, January, April and July of each year; and the auditor shall issue his warrant for that amount upon certificate of said board of trustees.

Admissibility of patient.

Section 12. The trustees shall, when the sanatorium is declared open for the reception of patients, advise and urge the physicians and health officers of the State to endeavor to so educate the people in regard to the advantages and purposes of the institution as to induce any who may be laboring under tuberculosis and whose cases are in the proper stage to avail themselves of the benefits of the institution. The admissibility of a patient must be settled as far as can be done by correspondence with the superintendent before the patient leaves home, subject, however,

to review upon the arrival of the patient at the sanatorium.

Section 13. There is hereby appropriated out of any moneys in the State treasury the sum of forty thousand dollars to buy the land, and to build thereon the necessary and suitable buildings, machinery, water works, sewers, apparatus, etc., and to supply the necessary tools, vehicles, and live stock. Twenty thousand dollars of said sum appropriated shall be paid by or before the 30th day of September, 1907; ten thousand dollars by or before the 30th day of September, 1908; five thousand dollars by or before the 30th day of September, 1909; five thousand dollars by or before the 30th day of September, 1910. The money hereby appropriated shall be paid to the treasurer of the sanatorium upon the order of the superintendent, approved by the governor, but must not be drawn except as actually needed. All of the sum appropriated for the year ending on the 30th day of September, 1907, may be paid after that date and shall be available till used by the trustees for the purposes for which it was appropriated.

Section 14. There is hereby appropriated out of any money in the State treasury ten thousand dollars annually, or so much thereof as may be needed, to be paid in quarterly payments on the last day of every quarter, and to be used for the payment of the salaries of the superintendent and other officers, agents and servants of the sanatorium, and the general expenses thereof.

Section 15. The trustees shall at such time as they deem proper elect a treasurer and a steward, shall fix their terms of office, and shall exact of them bonds in such amount and with such sureties as they may deem adequate and safe, and may from time to time require of them additional or new bonds. The trustees may likewise require any agent or employee of the sanatorium to furnish a bond in such amount and with such sureties as they may deem proper.

Amount ap-
propriated
for daily
maintenance
of indigent
patients.

Reports of.

Section 16. For the support and care of all indigent patients not otherwise paid for as herein provided, treated in the sanatorium, a sum to be regulated by the trustees and not exceeding sixty cents per day for every indigent patient shall be paid by the State at the end of every month. The superintendent must make up an account showing the name, sex, and color of every such indigent patient and the number of days he was in the sanatorium, and the county of his residence, and certify to its correctness, whereupon the State auditor must, if he finds the account correct, draw a warrant on the State treasurer for the amount thereof, payable to the superintendent of the sanatorium, who shall pay over the amount to the treasurer of the sanatorium.

Books, etc.
open to in-
spection.

Section 17. The accounts and books of the treasurer shall at all times be open to the inspection of the trustees.

Residence of
superintend-
ent, etc.

Section 18. The superintendent, assistant physicians, and all other employees shall reside in the sanatorium, or on the grounds thereof, and shall in addition to such salaries and wages as may be fixed for them receive board and lodging free of cost.

Board and
lodging free.

Rules for gov-
ernment of.

Section 19. The trustees shall adopt rules for their own government, not inconsistent with this act, provided that they shall meet at least annually.

Expenses of
trustees.

§

Section 20. The trustees shall not receive any compensation for their services, but their expenses while traveling and while at the sanatorium on the business of the sanatorium shall be paid out of the funds of the sanatorium.

Reports of
officers.

Section 21. The trustees, the superintendent, the treasurer, and such other persons as receive and disburse funds in connection with the sanatorium shall make complete reports to the governor annually.

Approved August 14, 1907.

No. 737.)

AN ACT

(S. 363.

To amend section 2240 of the code of Alabama, of 1896, and to appropriate the sum of six hundred dollars for the secretary of the senate and the clerk of the house, respectively, for filing and arranging the papers of their respective houses in the office of the secretary of State and copy and deliver to the public printer the journals of their respective houses, with proper indexes thereto.

Section 1. Be it enacted by the legislature of Alabama, That section 2240 of the code of Alabama of 1896, be amended so as to read as follows: 2240.—Secretary of senate and clerk of house to file papers and furnish copy of journal. —Within thirty days after the adjournment of any session of the legislature, the secretary of the senate and the clerk of the house of representatives must file and arrange the papers of their respective houses in the office of the secretary of State and copy and deliver to the public printer the journals of their respective houses, with the proper indexes thereto; and for such services, when performed, they shall receive respectively, the sum of six hundred dollars.

Section 2. That the sum of twelve hundred dollars be, and the same is hereby appropriated for such services when performed.

Approved August 13, 1907.

No. 738.)

AN ACT

(S. B. 398.

To further prescribe the powers of the Railroad Commission of Alabama and to authorize it to change any classification of railroads or of any articles of freight; or any rates or charges for the transportation of freight or passengers which have been, or which may hereafter be prescribed by statute, or any prevailing rates or charges for such transportation which have

been, or which may hereafter be, by statute made the maximum rates.

Power of railroad commission to change rates.

Section 1. Be it enacted by the Legislature of Alabama, That in all cases where any classification of railroads or of any articles of freight or any maximum rates or charges for the transportation of passengers or freight over any railroad in this State have been, or may hereafter be, prescribed by statute, or any prevailing rates or charges for such transportation have been, or may hereafter be, by statute made the maximum rates or charges, the Railroad Commission of Alabama shall have the power and is hereby authorized to change such classifications and such rates or charges, or any of them, from time to time as conditions may, in its judgment render it expedient or proper so to do, whether the effect of such change be to increase or to reduce any of such rates or charges, and to establish and order to be put in force in lieu thereof any new classification or rate or charge which it may deem reasonable and proper, and the classifications, rates or charges so established by it shall be the lawful classifications, rates or charges until further changed by said railroad commission.

On whose motion rates may be changed

Sec. 2. Such changes may be made by the Railroad Commission upon its own motion or upon complaint or petition of any railroad company affected by such classifications or rates, or of any person, firm, corporation or association, or of any mercantile, agricultural or manufacturing society, or of any body politic or municipal corporation or organization; but no such change shall be made which shall have the effect of reducing any of such rates or charges except upon an investigation or hearing had after at least ten days notice to the railroad company or companies to be affected by such change.

Repeal.

Sec. 3. That all laws and provisions of laws in conflict or inconsistent with this act be and the same are hereby repealed.

Approved August 9, 1907.

No. 739.)

AN ACT

(H. 399.)

To amend sections 2, 3 and 4 of an act entitled "An act to regulate railroads and other common carriers in this State, to secure reasonable rates and adequate service and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof," approved February 23, 1907.

Section 1. Be it enacted by the legislature of Alabama, That section 2 of an act entitled "An act to regulate railroads and other common carriers in this State, to secure reasonable rates and adequate service and prevent unjust discrimination in their public service, and prescribe penalties for violation thereof," approved February 23, 1907, be and the same is hereby amended so as to read as follows: Section 2. Every common carrier subject to the provisions of this act shall cause to be printed or typewritten in plain type or characters, and shall file with the railroad commission within a reasonable time to be fixed by said commission, and shall keep open to public inspection schedules showing all the rates, fares and charges for the transportation of property and passengers and any service in connection therewith which it has established, or which have been established by statute or by said railroad commission, between all points in the State on its own route, and, when a through route and joint rate have been established between all points in the State on its route and all points in the State on the route of any other carrier by railroad or by water with which a through route and joint rate have been established. The schedules aforesaid shall plainly state the places in the State on its own line and on any line controlled or operated by it and on any line with which a through route and joint rate have been established between which property and passengers will be carried, and shall contain the classification of freight in force. Said schedules

Sec. 2 amended.

Schedules as to rates, etc.

shall also contain all rules and regulations that in any manner affect the rates or fares to be charged for transportation of passengers and property, and all charges for delay in loading or unloading cars, for track and car service or rental, and for switching, demurrage, terminal and transfer service, and for rendering any other service in connection with the transportation of passengers and property. Copies of said schedules shall be kept posted for the use of the public in at least two public and conspicuous places in, and filed at, every depot, station or office of such common carrier where passengers or freight are received for transportation, in such form and place that they shall be accessible to the public and can be conveniently inspected. Provided, however, that in lieu of posting and filing as aforesaid its entire schedules at each depot, station or office where passengers and freight are received for transportation, such common carrier may file and keep posted as aforesaid at each such depot, station or office schedules of such of its aforesaid rates, fares and charges as are applicable between such depot, station or office and all other points in this State on its road and on any road controlled or operated by it or with which a through route and joint rate have been established.

Section 3
amended.

Changes in
published
rates; how
made.

Section 2. That section 3 of said act, be, and the same is hereby, amended so as to read as follows: Section 3. No change shall be made by any common carrier in the rates, fares and charges, or joint rates, fares and charges, which have been filed and published by it, or which are in force at the time, until the proposed changes have been submitted to and approved by an order of the railroad commission. After such approval all such changes shall, before the same shall become effective, be plainly indicated upon existing schedules or by filing and posting as aforesaid new schedules for a period of ten days prior to the time the same are to take effect; provided, however, that the said railroad com-

mission may prescribe a shorter period within which such changes shall take effect.

Section 3. That section 4 of said act be, and ^{Sec. 4} the same is hereby amended so as to read as fol-^{amended.} lows: Section 4. Whenever a change has been made and approved as aforesaid in any existing ^{When changes} schedule of rates, fares and charges, or joint ^{made.} rates, fares and charges, a notice shall be posted ^{Notices} by the common carrier in a conspicuous place so ^{posted.} as to be accessible to the public and conveniently inspected, in every depot, station or office where passengers or freight are received for transportation which is affected by said change or to which the same is applicable stating the changes which have been made in the schedule on file, and specifying the class, or commodity affected, the change made and the date when such change shall take effect.

Approved August 9, 1907.

No. 740.)

AN ACT

(S. 513.

To amend an act to provide for the inspection of jails, and alms houses, and cotton mills, by adding section 12, to provide stationery and for office expenses.

Section 1. Be it enacted by the legislature of Alabama, That an act to provide for the inspection of jails and alms houses and cotton mills or factories, approved March 4, 1907, be amended ^{Act amend-} by adding thereto this section: 12. All station-^{ed.} ery, furniture, and other office supplies shall be ^{Stationery, etc.} furnished to the office of the inspector, as such ^{State.} supplies are now furnished to other officers in the capitol.

Approved August 13, 1907.

To amend an act entitled, "An act to create a railroad commission to be known as the 'railroad commission of Alabama,' define its duties and powers and provide for its mode of procedure and prescribe penalties for violation of its orders." approved the 23rd day of February, 1907.

Section 10
amended.

Meaning of
term "trans-
portation
company."

Section 1. Be it enacted by the legislature of Alabama, That section 10 of an act entitled "An act to create a railroad commission to be known as the railroad commission of Alabama, define its duties and powers and provide for its mode of procedure and prescribe penalties for violation of its orders," approved February 23rd, 1907, be and the same is hereby amended so as to read as follows: Section 10. The term transportation company" as used herein shall mean, and embrace all corporations, companies, individuals, associations of individuals, their lessees, trustees or receivers, that now, or may hereafter own, operate, manage or control as common carriers any railroad, or part of a railroad in this State, or any cars, or other equipment used thereon, or bridges, terminals, or side tracks used in connection therewith, whether owned by such railroad, or otherwise. The term "transportation company," as used herein shall also mean and embrace express companies, car companies, sleeping car companies, steam boat or steam packet companies, and all corporations, individuals or association of individuals, their lessees, trustees or receivers, that now, or may hereafter own, operate or control any railroad depot or terminal station, over all of which the commisison shall have the power of supervision and control and also all telegraph and telephone lines operating in more than one city or town.

Section 11
amended.

Section 2. That section 11 of said act above described be and the same is hereby amended so as to read as follows: "Section 11. The provis-

ions of this act shall apply to the transportation of passengers and property between points within this State, and to the receiving, switching, delivering, storing and hauling of such property, and to all charges connected therewith, and shall apply to all railroad corporations, express companies, car companies, sleeping car companies, freight and freight line companies, steam boat or steam packet companies, terminal companies or individuals who now or hereafter may own, operate, or control any railroad depot or terminal station and to all associations of persons, whether incorporated or otherwise that shall do business as common carriers upon or over any line of railroad in whole or in part within this State, upon or over any navigable stream in whole or in part within the State, or partly by rail and partly by water, but nothing in this act shall be construed as a regulation of or interference with interstate commerce.

Approved August 9th, 1907.

No. 742.)

AN ACT

(S. 603.

To reimburse the governor's contingent fund the amount expended therefrom in paying the funeral expenses of the late William L. Martin, who at the time of his death was speaker of the house of representatives, and to make an appropriation therefor.

Section 1. Be it enacted by the legislature of Alabama, That the sum of \$591.00 be and the same is hereby appropriated from any money in the treasury not otherwise appropriated to reimburse the governor's contingent fund the amount paid out of said fund as funeral expenses of the late William L. Martin, who at the time of his death was the speaker of the house of representatives.

Approved August 8, 1907.

No. 743.)

AN ACT

(S. 108.

To provide for paying persons who are convicted of felonies where they appeal to the supreme court when the cause is reversed and remanded or rendered.

Payment provided for.

Section 1. Be it enacted by the legislature of Alabama, When any person is convicted of a felony and takes an appeal from said judgment of conviction to the supreme court of Alabama and pending said appeal he elects to not have said judgment and sentence suspended, pending said appeal and goes to the penitentiary and performs labor as directed under said sentence of of conviction had not been reversed and remanded or rendered, the State of Alabama must at once pay to him or his attorney of record the amount earned while performing said labor under said sentence. The amount to be paid him is the amount which the State would have received from the proceeds of his labor, if said judgment of conviction had not been reversed and remanded or rendered.

Auditor to draw warrant.

Section 2. That within ten days after the judgment of conviction as stated in section one of this act be reversed and remanded or rendered the State auditor shall issue a warrant on the State treasury for the amount earned by said person for said services mentioned in section one of this act, payable to him or his attorney of record and forwarded to him or them, said warrant issued by said auditor shall be paid out of the funds derived from the convicts of the State.

Effect.

Section 3. That this act shall go into effect immediately on the approval of same by the governor, and that all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Repeal.

Approved Aug. 13, 1907.

No. 744.)

AN ACT

(S. 497.

To provide that no license tax of any character shall be required by State, county or municipality from the Tennessee Valley Fair Association or from those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress.

Section 1. Be it enacted by the legislature of Alabama, That no license or tax of any character shall be required by State, county or municipality from the Tennessee Valley Fair Association or of those who conduct business under contract with it on its grounds during the time its annual fair is actually in progress. ^{Exempt from taxes.}

Section 2. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed. ^{Repeal.}

Approved Aug. 13, 1907.

No. 745.)

AN ACT

(S. 123.

To amend section 12 of an act entitled an act for the relief of needy confederate soldiers and sailors, resident citizens of Alabama, and their widows, approved the 10th day of February, 1899.

Section 1. Be it enacted by the legislature of Alabama, That section 12 of an act entitled an act for the relief of needy confederate soldiers and sailors, resident citizens of the State of Alabama, and their widows, approved the 10th day of February, 1899, be and the same is hereby amended so as to read as follows: Section 12. That the beneficiaries of this act shall be divided into four classes, as follows: Soldiers or sailors who are totally blind, or have lost two limbs, or entire use thereof, shall class number one; those ^{Act amended.} ^{Pensioners classed.} ^{First class.}

Second class.

Third class.

Fourth class.

Transfer from
lower to
higher class.

who have lost a leg above the knee or an arm above the elbow shall class number two; those who have lost a hand or a foot or the entire use thereof shall be number three; and all others including widows shall class number four; Provided, that the county board of examiners are hereby authorized and directed, with the approval of the State board of examiners to transfer an applicant from any one of the lower classes to a higher class when after examination they find his increasing disabilities entitle him to such transfer. Each class shall participate in the division of the pension fund in the proportion hereinafter provided.

Approved August 13, 1907.

No. 746.)

AN ACT

(S. 635.

To amend sections 426, 427, 431, 434, and 456 of the code of 1896.

Section 426
amended.

Appeals to
Supreme court
on final judgments.

Section 1. Be it enacted by the Legislature of Alabama, That section 426 of the code of 1896 be amended so as to read as follows: Section 426. (3611) (3916) (3485) (3016). Appeals to supreme court on final judgments.—From any final judgment or decree of the chancery, circuit, city, probate, or county courts of law and equity, except in such cases as are otherwise directed by law, an appeal lies to the supreme court, for the examination thereof, as matter of right, on the application of either party, or his personal representatives; and the clerk, register or judge of probate, must certify the fact that such appeal was taken, and the time when, as part of the record, which gives the supreme court jurisdiction of the case.

Section 427
amended.

Appeals from
interlocutory
decrees.

Section 2. Be it further enacted that section 427 of said code be amended so as to read as follows: Section 427 (3612) (3918) Appeals from certain interlocutory decrees.—From any decree rendered by the chancery court in term

time, or by the chancellor in vacation, or by county courts of law and equity in term time or by the judge of such court in vacation, sustaining or overruling a demurrer to a bill in equity, or sustaining or overruling a plea to such bill, or sustaining or overruling a motion to dismiss such bill for want of equity, an appeal lies to the supreme court, to be taken within thirty days after the rendition of such decree; the appeal shall be heard and determined by the supreme court in preference to all other than criminal cases, and if the decree of the chancellor or judge of the county courts of law and equity is reversed, the court shall render such decree as should have been rendered by the chancellor; but nothing in this section shall be so construed as to prevent an assignment of errors on such decrees, on appeals taken after the final determination of the cause, if appeals are not taken under this section.

Section 3. Be it further enacted that section 431 of said code be amended so as to read as follows: Section 431 (3616) (3923). Appeals from denial of remedial writs.—Appeals may be taken to the supreme court from the judgment of judges of the circuit and city courts and county courts of law and equity on application for writs of certiorari, supersedeas, quo warranto, mandamus and other remedial writs, upon plaintiff or defendant giving security for the costs of appeal, approved by the judge trying the same, within thirty days from the day of the judgment; but such appeal shall not operate as a supersedeas of the judgment, unless bond with sufficient sureties be given by the appellant, payable to the appellee, in such sum as the judge hearing the application shall require, conditioned to pay all damages thereby sustained.

Section 4. Be it further enacted that section 434 of said code be amended so as to read as follows: Section 434

Appeals from
decisions on
motions for
new trials.

low: Section 434. Appeals from decisions on motions for new trial.—Whenever a motion for a new trial shall be granted or refused by any circuit or city court or county court of law and equity in any civil case at law, either party may except to the decision of the court and may reduce to writing the reasons offered for the new trial together with the substance of the evidence in the case and also the decision of the court on the motion; and it shall be the duty of the judge before whom the motion is made to allow and sign the same; and such bill of exceptions shall be a part of the record in the cause, and may embrace the judgment and motion or other matters of record; and the appellant may assign for error that the court below improperly granted or refused to grant a new trial; and the supreme court shall have power to grant new trials or to correct any errors of the circuit or city court in granting or refusing the same.

Section 456
amended.

Executions;
Issuance of by
clerks.

Section 5. Be it further enacted that section 456 of said code be amended so as to read as follows: Section 456. (3639) (3952) (3511). Clerks of inferior courts may issue executions for costs unpaid.—Clerks of the circuit or city court, or county courts of law and equity, registers in chancery, and judges of probate, when cases have been taken from their respective courts to the supreme court by appeal, or other lawful mode, and been there decided, if the costs accruing in such lower courts for transcripts, or otherwise, be not paid by the parties against whom they were adjudged in the supreme court, may issue executions for such costs, returnable into the court in which such costs accrued.

Approved Aug. 13, 1907.

No. 748.)

AN ACT

(S. 562.

For the relief of Charles G. Abercrombie and Co.
on unexpired license as future dealers.

Whereas, C. G. Abercrombie and Co. were licensed by the State of Alabama to do business as future dealers for the year 1907 in the city of Birmingham, Jefferson county, Alabama, paying therefor the sum of \$500.00 to the State of Alabama; and whereas, by an act of the legislature approved March 7th, 1907, said license was cancelled by reason of the imposition of additional license for said business which said Charles G. Abercrombie and Co. declined to pay and ceased to do business on April 1st, 1907, leaving an unexpired term of nine months under said license. Whereas, C. G. Abercrombie and Co. were licensed by the State of Alabama to do business as future dealers for the year 1907 in the city of Huntsville, Madison county, Alabama, paying therefor the sum of \$250.00 to the State of Alabama; and whereas by an act of the legislature of Alabama approved March 7th, 1907, said license was cancelled by reason of the imposition of an additional license for said business, which said Charles G. Abercrombie and Co declined to pay and ceased to do business on April 1st, 1907, having an unexpired term of nine months under said license; whereas Charles G. Abercrombie were licensed by the State of Alabama to do business as future dealers for the year 1907 in the city of Decatur, Morgan county, Alabama, paying therefor the sum of \$250.00 to the State of Alabama; and whereas by an act of the legislature approved March 7th, 1907, said license was cancelled by reason of the imposition of an additional license for said business, which said Charles G. Abercrombie and Co. declined to pay and ceased to do business on April 1st, 1907, leaving an unexpired term of nine months under said license. Therefore be it enacted by the legislature of Alabama that the auditor is hereby authorized to draw his warrant in favor of said Charles G. Abercrombie and Co. on the treasurer of the State of Alabama for the sum of \$748.88, being the amount of said several licenses unexpired on April 1st, 1907. Be it fur-

Preamble.

Amount appropriated.

ther enacted that the boards of revenue of Morgan county, Madison county and Jefferson county respectively are each hereby authorized to draw a warrant on the treasurer of each of their counties respectively for the sum of \$93.75, being the amount of the county license unexpired for each of said counties.

Approved August 13, 1907.

No. 749.)

AN ACT

(S. 570.)

To authorize the auditor on certificate of the board of county examiners to restore confederate pensioners to the pension list and pay unpaid pensions, where through mistake, omission or inadvertance dropped from or left off the list.

Pensioners restored to roll. Section 1. Be it enacted by the legislature of Alabama, That whenever it is made to appear to the county board of examiners of pensions that a pensioner, who had been admitted to the pension roll and had been paid a pension under the laws of Alabama and who is still entitled to a pension and whose name had through mistake, omission or inadvertence been dropped from or left off the list of pensioners, the board shall certify such fact and the length of time omitted or dropped and the amount due such pensioner, to the State auditor, who shall thereupon, if fully satisfied that such pensioner is justly entitled to such pension and to be restored to the list of pensioners, he may issue his warrant for such amount and restore such pensioner to the list.

Approved August 13, 1907.

No. 750.)

AN ACT

(S. 519.)

To ratify, confirm and validate loans of money evidenced by notes or bonds and secured by mortgage or either, made by any city or town out of any funds belonging thereto.

Section 1. Be it enacted by the legislature of Alabama, That all loans of money, evidenced by notes or bonds and secured by mortgage or bonds, etc., either, out of any funds by any city or town are hereby ratified, confirmed and made valid as though heretofore expressly authorized by law. ^{Loans of money evidenced by bonds, etc., ratified and confirmed.}

Approved August 9, 1907.

No. 751.)

AN ACT

(S. 486.

To further protect and promote the propagation of fish, and to protect private interests in ponds, pools, lakes, or other reservoirs or bodies of water containing fish. Be it enacted by the Legislature of Alabama, That on and after the passage of this act it shall be unlawful for any one to take, catch or kill, or to in any way aid in the taking, catching or killing of any fish in any pond, pool, lake, or other reservoir, or body of water wholly on the premises of another person, or to go or be upon, or trespass on the lands adjacent to such pond, pool, lake or body of water for the purpose of catching or taking fish therefrom in any manner, or by any means whatsoever, without a written permit from the owner of such premises, or body of water, such permit when given to remain in force and effective for twenty-four hours, and no longer, unless otherwise specified in the permit itself, in which event the time, and also the terms of such permit to govern absolutely, unless revoked in writing by the party issuing the same and served in person on the party, or parties so affected. Any one violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction may be fined not more than fifty dollars, but if the conviction be for seining, shooting or dynamiting for fish, the fine shall not be for less than twenty-five dollars, to be paid in lawful money of the United States, and the defendant may also be sentenced to hard labor for the county for

^{Unlawful to fish without permit.}

^{Limit of permit.}

^{Penalty.}

Fines; disposition of.

Repeal.

not more than ninety days at the discretion of the court, and the State game and fish commissioner and his deputies shall have jurisdiction in case of violation of this act. And each county game and fish warden shall receive one half of all fines, forfeitures and penalties collected in the county in which he holds office. And such moneys shall be paid by the courts collecting the same, and the remainder shall be forwarded to the State Treasurer and covered into the game and fish protection fund. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved August 13, 1907.

No. 752.)

AN ACT

(S. 435.

To confer on the governing bodies of towns and cities, which own and operate dispensaries in counties where no part of the net profits of such dispensaries are divided with the counties in which they are so owned and operated, the right, power and authority to give to such counties a part of the net profits of such dispensaries, not exceeding forty per cent. thereof, to be used and expended by the governing bodies of such counties in the improvement of the public roads of such county or counties.

Power conferred to divide profits.

Section 1. Be it enacted by the legislature of Alabama, That the governing bodies of all towns and cities owning and operating a dispensary in counties in this State where no part of the net profits of such dispensaries are divided with the county in which such dispensary is owned and operated, are hereby granted the right, power and authority to give or donate to the county in which such dispensary is operated a part of the net revenues derived from the operation of such

dispensary not exceeding forty per cent. thereof, to be used by the governing body of such county in the improvement of the public roads of said county.

Section 2. That nothing in this act shall be so construed as to make it compulsory upon the said governing bodies of said town and cities to make said gift or donation, or any part thereof, to said counties, but the purport, intent and meaning of this act, is merely to confer upon them the right, power and authority to do so.

Approved August 13, 1907.

No. 753.)

AN ACT

(S. 503.

To further regulate and prohibit the sale or other disposition of spirituous, vinous, malt or intoxicating liquors, or the issuing of prescriptions by physicians for the sale or other disposition of such liquors.

Section 1. Be it enacted by the legislature of Alabama, That no licensed physician or other person shall write or cause to be written, or issue, a prescription for more than one-fourth of a pint of any spirituous, vinous, malt, or other intoxicating liquors on Sunday or on the day of or day preceding any election held under the laws of this State.

Sec. 2. All prescriptions issued or caused to be issued by a physician or other person for the sale of any spirituous, vinous, malt, or other intoxicating liquors, shall give the name, residence, and the disease of the patient for whom such prescription is issued which prescription must be kept on file by the person, firm, or corporation filling the same, for public inspection; and all such prescriptions must be signed by a regularly licensed physician of the county in which such prescriptions are filled.

Sec. 3. No person shall write or sign the name of any licensed physician to a prescription for

Quantity.

What prescription must contain.

Filed.

Signed.

Physician himself must sign.

the sale of any liquors mentioned in this bill except the physician himself, and no person shall assume the name of a licensed physician for the purpose of signing or issuing such prescription.

Penalty for violation.

Sec. 4. Any druggist, person, firm or corporation filling any prescription in violation of the provisions of this bill, or any person, firm, or corporation violating any of the provisions of this bill, or who refuses or fails to comply with its provisions, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars.

Approved August 13, 1907.

No. 757.)

AN ACT

(S. 384.)

To provide for the establishment of high schools in this State, and to make appropriations for said schools. Be it enacted by the legislature of Alabama:

Commission created; members of.

Section 1. The governor, auditor and superintendent of education be and they are hereby constituted a commission to locate as hereinafter provided one high school in each of the counties of this State, provided that a high school shall not be established under the provisions of this act in any county in which there are already established an agricultural school, normal school for white people, the Polytechnic Institute, the University of Alabama, the Industrial School for White Girls or a high school free to all the children of the county, until after a high school has been established in all the other counties.

Conditions upon which appropriation made.

Section 3. That any county, where the citizens thereof shall secure a suitable site which shall consist of not less than five acres of land the title of the surface of which shall be in fee but the land need not include mineral rights and erect thereon a good and substantial building with all the necessary equipments for a high school, the cost of said land, building and equipments to be not less

than five thousand dollars, and making a deed to the State of Alabama of said land, building and equipments, there shall be appropriated out of any moneys in the treasury not otherwise ap-Amount ap-propriated the sum of two thousand dollars for the payment of the teachers in said high school, or high schools complying with the provisions of this act, and this appropriation is hereby made to continue annually, provided further that none of said two thousand dollars shall be devoted toFor what any other purpose whatever than the payment of teachers' salaries, and provided further that the same shall be paid quarterly upon warrantsHow paid. drawn by the county board of education in the county in which said high school is located, said warrant or warrants to be subject to the approval of the commission hereinbefore created.

Section 4. Said school or schools as hereinbe-Board of fore established shall be under the direction and trustees. control of the said commission as a board of trustees in connection with the board of education in the county in which said high school is located; provided further that nothing in this act shall be so construed as to abolish any free school in any district, or the office of trustees in any district in which said high school may be located.

Section 5. No teacher will be eligible to teachTeachers eli- in any high school established under the provis-ible. ions of this act, unless holding a first grade or life certificate. Nor will any student be eligible toStudents eli- entrance into said high school unless said student gible. can pass a satisfactory examination in the branches of free public instruction in the elementary schools of his or her county.

Section 6. The said high school or schoolsStudents, shall be open to students of the white race regard-open to. less of age who have complied with the provisions of section five of this act.

Section 7. A course of study for such schoolCourse of or schools shall be provided and required by the study. superintendent of education; provided however, that said course of study shall consist of secondary branches of study.

Matricula-
tion fee.

Section 8. A matriculation fee of one dollar may be charged to each student to defray necessary expenses during each term.

Effect.

Section 9. That this act shall not go into effect until the governor shall decide that the condition of the treasury will admit of the appropriation herein made.

Approved August 7, 1907.

No. 758.)

AN ACT

(H. 576.

To provide for the incorporation of Mutual Aid, Benefit and Industrial Companies or Associations.

May incorpo-
rate with or
without capital
stock.

Section 1. Be it enacted by the Legislature of the State of Alabama, That mutual aid, benefit and industrial companies or associations, with or without capital stock, may be incorporated as hereinafter prescribed.

Number of cor-
porators where
there is capi-
tal stock.

Sec. 2. Five or more person may become a body corporate, with a capital stock for the purpose of carrying on the business of a mutual aid benefit and industrial company or association, by complying with the provisions of this act.

Certificate to
be filed with
judge of pro-
bate.

Sec. 3. Such persons shall make and file in the office of the judge of probate in the county in which the principal place of business of the proposed corporation shall be established, a certificate which shall be signed by all the subscribers, and which shall set forth: (a) The name of the proposed corporation. (b) That the object and purpose of the corporation will be to do business as a mutual aid, benefit and industrial company or association, with the powers and privileges prescribed by the State of Alabama. (c) The location of the principal office of the corporation in this State. (d) The total amount of the authorized capital stock, the number of shares into which it is to be divided, and the par value of each share, the names and post office addresses

Contents of
certificate,
name, object,
location, etc.

of two persons designated by the incorporators to receive subscriptions to the capital stock of the corporation. (e) The names and post office addresses of the incorporators; the number of shares of stock subscribed for by each; the names and addresses of the directors and officers elected for the first year. (f) The certificate may also contain any other provisions which the incorporators may desire to insert for the regulation of the business and affairs of the corporation, creating and defining the powers of the corporation, the directors and stockholders, or any class or classes of stockholders provided that the same shall not be inconsistent with the provisions of this act, or with the laws regulating the business of mutual aid, benefit and industrial companies or associations.

Sec. 4. No such corporation shall be organized with a capital stock of less than five thousand dollars (\$5,000.00); nor shall any such corporation be organized, or commence business, unless it has received not less than the sum of five thousand dollars (\$5,000.00) in payment in cash for subscriptions to its capital stock. Provided that nothing contained in this act shall be construed to require any corporation heretofore organized as a mutual aid, benefit or industrial company or association and doing business in this State, to increase its capital stock.

Minimum capital stock.
Minimum amount to be paid up in cash.
Not affecting those previously organized.

Sec. 5. The certificate herein provided for shall have attached to it a statement, under oath, made by the two persons authorized by the incorporators to receive subscriptions to the capital stock, showing the amount of capital stock which has been subscribed, the amount which has been paid in cash, and the amount of stock secured by contracts for stipulated labor or services, or by the transfer of property to the corporation.

Certificate as to the amount subscribed and paid up and in contracts.

Sec. 6. The certificate of incorporation shall be filed and recorded in the office of the judge of probate in the county in which the principal place of business of the corporation is established.

Certificate to be recorded in probate office.

Fees of judge
of probate.

Fees to be paid
judge of pro-
bate under act
approved Oct.
2, 1903.

Powers.

ed, in a book kept by him for recording the certificates of incorporation. But the judge of probate shall not record it unless it complies with the provisions of this act. After it has been so recorded, the probate judge shall endorse thereon his certificate of registration, showing the book and page where recorded, and the date when recorded. And the probate judge shall receive for his services fifteen cents (15 cts.) for each one hundred (100) words of the certificate of incorporation, and two dollars and fifty cents (\$2.50) for examining the certificate.

Sec. 7. At the time of filing said certificate, and at the time of filing a certificate increasing the capital stock of such corporations, the incorporators shall pay to the probate judge for the use of the State, the same fees as are now required to be paid by section 5 of an act entitled an act to confer and limit the power of business corporations, and to provide for their organization and regulation; approved October 2nd, 1903.

Sec. 8. Every such corporation shall have the following powers: (a) To have succession by its corporate name for the period limited in the certificate of incorporation; and when no period is limited, perpetually. (b) To sue and be sued in any court of law or equity, and to make, renew the corporate seal and to alter the same at pleasure. (c) To acquire, hold, purchase, receive and sell all such real and personal property as may be convenient or necessary in the conduct of its business. (d) To appoint and employ such officers and agents of the corporation as its business may require. (e) To make all needful rules and regulations for the transacting of its business and for the control of its property. (f) To carry on the business of mutual aid, benefit and industrial companies or associations. (g) To increase or decrease its capital stock in the manner hereinafter provided. (h) To alter and amend its charter. (i) To consolidate with one or more like corporations engaged in business of mutual aid, benefit and industrial companies or associa-

tions, whether incorporated in this State or some other state.

Sec. 9. Such corporations shall have not less than five directors, who must be stockholders in the corporation. Such directors shall be elected for a term of one year, and until their successors are elected and qualified. Directors and their terms.

Sec. 10. Before doing business in this State, such corporation must file with the insurance commissioner of the State, a certified copy of the articles of incorporation, which must be filed by him in his office, and must also make proof as may be required by said commissioner, under oath, of its officers authorized thereto, that said corporation has received and has on hand the sum of not less than five thousand dollars (\$5,000.00) in cash, derived from the payments of subscriptions to its capital stock. Certified copy articles of incorporation to be filed with Ins. Commissioner. Proof as to subscription.

Sec. 11. The monies derived by such corporation from the payment of subscriptions to its capital stock, and in payment of sales of stock, may be invested in bonds of the United States, or of this State, or the cities or counties of this State, estimated at their cash market value, or in notes or mortgages secured by real estate or other collateral worth twice the amount of said mortgages or notes. Character of securities.

Sec. 12. Such corporation, and any other corporation organized under the laws of this State before the passage of this act, doing business as a mutual aid, benefit or industrial company or association, may increase its capital stock by obtaining consent of the persons holding the larger amount in value of the capital stock of said corporation obtained at a regular or special meeting of the stockholders called for that purpose, of which notice must be given, stating the object of the meeting, and the amount of the proposed increase. If such meeting authorizes such increase a certificate certified by the president and the secretary of the corporation, must be filed and recorded in the office of the judge of probate of the county in which the corporation was organized, Capital stock may be increased or decreased.

in the same manner as the original certificate of incorporation, and such certificate shall set forth the amount of such increase. A decrease in the amount of capital stock shall be made, certified and recorded in like manner; and certified copy of such increase or decrease of the capital stock of such corporation, shall be filed with the insurance commissioner, in like manner as the original certificate of incorporation; provided, however, that no increase shall be made unless the amount of such increase shall bring the capital stock of such corporation up to the amount of five thousand dollars (\$5,000.00) full paid up in cash; and provided further that no such decrease shall diminish the capital stock below said sum of five thousand dollars.

May incorporate without capital stock.

Sec. 13. Fifteen or more persons may become a body corporate, without capital stock, for the purpose of doing the business of a mutual aid, benefit and industrial company or association by complying with the provisions hereinafter contained in this act.

Certificate to be filed with judge of probate; same shall contain name, objects, etc.

Sec. 14. Said persons shall make and file a certificate in the office of the judge of probate, of the county in which its principal place of business is proposed to be located. The certificates shall show the following: (1) The name of the proposed corporation. (2) The location of the principal office in this State. (3) That the object or purpose of the corporation is to do business as a mutual aid, benefit and industrial company or association, with the powers and privileges prescribed by the laws of the State of Alabama. (4) That the incorporators have entered into bona fide agreements for insurance, of the kind authorized to be done by mutual aid, benefit and industrial companies or associations, with not less than five hundred (500) persons, and shall have received therefrom not less than two thousand (\$2,000.00 in cash. (5) That said sum of money is in the possession of two of the incorporators, designated by the subscribers, to receive such money. (6) Any other matters pro-

Minimum membership and amount required to have been received.

viding for the conduct of the business of the proposed corporations not inconsistent with the laws of the State of Alabama. (7) The names, residences, and post office addresses of seven persons, selected from among the incorporators as trustees for said corporation, for its first year.

Sec. 15. A majority of said incorporators must be residents of the State of Alabama and a majority of the trustees of such corporation must, at all times, be residents of the State of Alabama.

Sec. 16. Said certificates hereinbefore provided for must be verified by the oath of two of said incorporators, and filed with the probate judge and recorded in the same manner as the certificate of the incorporation of companies with capital stock, and a certified copy of said certificate must be likewise filed with the insurance commissioner, for which the same fees shall be charged as are provided for in the incorporation of stock companies.

Sec. 17. The board of trustees of such corporation shall consist of not less than seven, nor more than nine persons, who must be members of the corporation. They shall be elected annually, to hold office until their successors are elected and qualified. Such board of trustees shall be the governing body of such corporation, and shall have the power to make all such needful or proper rules, regulations and by-laws for the conduct of the business of such corporation, not inconsistent with the laws governing mutual aid, benefit and industrial companies or associations or any other laws of the State of Alabama. Such board of trustees shall be elected at an annual meeting, to be held at the principal office or place of business of said corporation at a time to be fixed by the by-laws of the corporation, and at such meeting the members of such company or association may attend and vote on all matters before the meeting in person, or they may be represented by proxies, which must be in writing, and be executed at least thirty days prior to said meeting.

Minimum
amount of sol-
vent assets re-
quired.

Sec. 18. Every corporation organized under the provisions of this act shall at all times own and possess solvent assets to the amount of one dollar and fifty cents (\$1.50) for each one hundred dollars (\$100.00) of insurance at risk, by such sorporation, in estimating and determining such amount, there must be deducted therefrom any liabilities of such corporation, for any sums or amounts due or owing for any purpose, or claim other than liabilities upon its policies, contracts of insurance or certificates of membership; provided such corporation with a capital stock may estimate and use the property or funds, in which its capital stock has been invested, in accordance with this act, in determining the amount of sail solvent assets.

Sec. 19. All laws and parts of laws in conflict with this act are hereby repealed.

Approved August 9, 1907.

No. 759.)

AN ACT

(H. 1133.

To authorize cities of the State of Alabama having, according to the next preceding federal census, a population of more than thirty five thousand, to compel the construction and maintenance of bridges, viaducts and tunnels and their approaches, over, under or across railroad tracks within the city limits; and to provide for defraying the expense of the same.

Authority and
power to re-
quire con-
struction of
viaducts, etc.

Section 1. Be it enacted by the legislature of Alabama, That the city council or other governing body of each city in the State of Alabama having, according to the next preceding federal census, a population of more than thirty-five thousand, shall have full power and authority to require railroad companies to construct and maintain, within the city limits, viaducts, bridges and tunnels, or parts of viaducts, bridges

and tunnels and their approaches over, along or under their tracks, at their expense; such bridges and their approaches, tunnels, or other conveniences at public crossings, and such viaducts, and their approaches over their tracks where the same cross or extend along public highways or streets; provided, that no viaduct, bridge or tunnel shall be constructed under this act unless said governing body shall have provided for a vacation of the street upon completion of said viaduct, bridge or tunnel throughout that portion thereof over, along or under which the said public improvement is proposed to be constructed; the fee of the street, nevertheless, to remain in the city.

Section 2. That whenever any such governing ^{Ordinance.} body shall deem any such improvement necessary, it shall pass an ordinance requiring the construction of such improvement, describing the character and location of such proposed improvement with reasonable certainty, and stating the estimated cost thereof and fixing a reasonable time for the construction of the same; and where a viaduct, bridge or tunnel crosses over or passes under the tracks of two or more railroad ^{Cost appor-} companies, the said governing body shall have ^{tioned.} full power and authority to apportion the cost thereof, equitably, among the different railroads owning the said tracks.

Section 3. That any such governing body may ^{Penalty for} penalize the failure of any such railroad company ^{failure.} or of such railroad companies to construct, within a reasonable time, or to maintain, any such viaduct, bridge or tunnel ordered by a proper ordinance; such penalties to be prescribed as provided in the charter of said city for violations of police ordinances, and such penalties may be directed against said railroad company or railroad companies, or against its or their agents or officers having supervision, charge or control of or operating the same, any or all. Such governing body may also, by bill filed in any court having chancery jurisdiction in the county in which the

Right of ap-
peal.

city is situated, compel a compliance with any or all proper ordinances ordering the construction or maintenance of viaducts, bridges or tunnels, passed under the authority of this act, express jurisdiction being hereby conferred on all chancery courts of this State to that end.

Section 3 1-2. The railroad companies so ordered by such governing body to construct and maintain viaducts, bridges and tunnels, shall have the right to appeal to any court having chancery jurisdiction in the county in which the city is situated, from the order of such governing body and from any order made penalizing such railroad companies for their failure to construct and maintain, such viaducts, bridges and tunnels, on such appeal the railroad company shall give such bond as may or prescribed by said chancery court.

Repeal.

Section 4. That all laws and parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Approved August 13, 1907.

No. 760.)

AN ACT

(H. 1287.

To legalize the registration of, and to make self proving deeds of conveyance which have been recorded in the office of the judge of probate of the proper county before the passage of this act, but not within the time heretofore required by law. And all such conveyances as shall be recorded within two years after the approval of this act.

Registration
of deeds, etc.
legalized.

Section 1. Be it enacted by the legislature of Alabama, That any deed of conveyance of any kind including mortgages and instruments in the nature of mortgages heretofore executed and acknowledged or probated by attesting witness as required by law, and which has been heretofore recorded in the office of the judge of probate

of the proper county in this State, before the passage of this act, but not within the time required by law and all such conveyances as shall be recorded within two years after the approval of this act shall have the same force and effect in all things and shall be received in evidence in any court without further proof in all respects as if it had been filed and recorded within the time heretofore required by law except as to bona fide creditors and purchasers without notice of the making of such conveyance.

Approved August 13, 1907.

No. 761.) AN ACT (S. 577.

To fix the times and places of holding the circuit courts in the fifth judicial circuit of Alabama.

Section 1. Be it enacted by the legislature of Alabama, That the circuit courts in the fifth judicial circuit of Alabama shall be held in each year at the following times and places. 1. In the county of Tallapoosa at Alexander City on the second Monday in February and August and may continue one week. 2. In the county of Randolph at Wedowee on the third Monday in February and August and may continue two weeks. 3. In the county of Chambers at LaFayette on the first Monday after the fourth Monday in February and August and may continue two weeks. 4. In the county of Tallapoosa at Dadeville on the fourth Monday after the fourth Monday in February and August and may continue three weeks. 5. In the county of Macon at Tuskegee on the seventh Monday after the fourth Monday in February and August and may continue three weeks. 6. In the county of Coosa at Rockford on the tenth Monday after the fourth Monday in February and August and may continue two weeks. 7. In the county of Coosa at Goodwater

Time for holding court.

Tallapoosa at Alex. City,

Randolph,

Chambers,

Tallapoosa at Dadeville,

Macon.

Coosa at Rockford.

Coosa at Goodwater.

Effect.

on the twelfth Monday after the fourth Monday in February and August and may continue two weeks. This act shall take effect and become operative immediately on its approval by the governor, and shall be incorporated in the code now being prepared.

Approved Aug. 9, 1907.

No. 762.)

AN ACT

(S. 551.

To submit to the qualified electors of the State at the general election to be held on the first Tuesday after the first Monday in November, 1908, for their consideration an amendment to section 93 of article IV of the constitution so as to provide that the State may under appropriate laws cause the net proceeds from the State convict fund to be applied to the construction, repair and maintenance of public roads for the State and the legislature may also make additional appropriations for that purpose.

Amendment
proposed.

Section 1. Be it enacted by the legislature of Alabama, That the following amendment to section 93, article IV of the constitution is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as is herein-after set forth. Section 93, article IV of the constitution be amended so as to read as follows: "Section 93. The State shall not engage in work of internal improvement nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise or lend money or its credit to any individual, association, or corporation, provided that the State may under appropriate laws cause the net proceeds from the State convict fund to be applied to the construction, repair, and maintenance of public roads in the State and the legislature may

Revenue of
convicts may
be used on
public roads.

also make additional appropriations for that purpose."

Section 2. That it shall be the duty of the Gov-^{Notice by}ernor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preceding the general election of 1908 of the amendment proposed by this act to be submitted to the people for their consideration.

Section 3. That at the general election^{When sub-} to be held on the first Tuesday after the^{mitted.} first Monday in November, 1908, an election shall be held as provided under the constitution of Alabama and under the same conditions and penalties as general elections for the vote of the qualified electors in the proposed amendment and on the official ballots printed for said election shall be printed the following: ^{Ballots.}

"Shall section 93 article IV of the constitution of Alabama be amended so as to read as follows: "Section 93. The State shall not engage in works of internal improvement nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise or lend money or its credit to any individual, association, or corporation provided that the State may under appropriate laws cause the net proceeds from the State convict fund to be applied to the construction, repair and maintenance of public roads in the State and the legislature may make additional appropriations for that purpose.

-----"Yes." -----"No."-----

The choice of the elector shall be indicated by cross marks made by him or under his direction opposite the word expressing his desire.

No. 763.)

AN ACT

(S. 565.

To provide for the establishment of a bureau to collect, compile, and publish cotton statistics, and to prescribe the duties and powers

of said bureau; to make appropriations for the maintenance thereof; to require ginners and others to make reports thereto; and to provide penalties for the violations of the provisions of this act.

Alabama Bureau of cotton statistics established.

Director; term of office and compensation.

Bond.

Duty of Director.

Ginners to notify director and request blanks.

Section 1. Be it enacted by the legislature of Alabama, That there be created and is hereby created and established a bureau, in connection with the department of agriculture and industries, to be known as the Alabama Bureau of Cotton Statistics. Said bureau shall be under the management of a director who shall be appointed by the governor, and shall hold office for a term of four years, unless sooner removed for cause, whose compensation shall be \$1,500.00 per annum. Said director shall give a bond in the sum of five thousand dollars, to be approved by the governor, and conditioned upon the full and faithful performance of his duties.

Section 2. It shall be the duty of said director to prepare and keep a list of all cotton ginners and public warehousemen in the State; to provide all such with copies of this act and with suitable forms for making reports; and to collect, compile, and publish, as herein prescribed, full statistics of cotton ginned and warehoused within the State and such other cotton statistics as in his discretion may be necessary to show the annual production and distribution of cotton for the State. The dates to which the report of cotton ginned shall relate shall be the same as provided for by the national government. It shall also be the duty of the director to require said ginners and others to make reports to the Alabama Bureau of Cotton Statistics of the quantity of cotton ginned and warehoused to the dates specified, to report in accordance with the forms which may be furnished them by the said director.

Section 3. Every individual, firm, or corporation before engaging in the business of ginning seed cotton in the State of Alabama, shall notify

the director of their intention to operate a gin-
nery during the current season and requesting
such blanks as herein provided for the making of
reports.

Section 5. Every individual, firm, or corpora-
tion operating a gin-Record of cot-
nery in this State shall keep ton ginned to
a book record of all cotton be kept.
ginned, both on his own
account and for others, the name of the person or
persons for whom ginned, and the dates on which
ginned.

Section 6. Any individual, firm, or corpora-
tion refusing to comply with the provisions of
this act, or who shall furnish inaccurate infor-
mation, shall be guilty of a misdemeanor and
shall upon conviction be fined not less than \$10
or more than \$100 for each offense. It is hereby
made the duty of the prosecuting solicitors in
this State to prosecute all violations of this act.

Section 7. The director of said bureau is here-
by authorized to appoint and commission local
field agents to assist in the collection of these re-
ports as in his discretion may be deemed expe-
dient, said agents to serve without compensation.
Said director is also authorized with the consent
and approval of the governor, to incur all neces-
sary expenses including books, postage, station-
ery, office supplies, and clerical assistance, as
may be necessary to defray the expenses of such
bureau for books, postage, stationery, office sup-
plies and clerical assistance. Upon the approval
by the governor of vouchers of such expenses, the
auditor shall issue a warrant on the treasurer for
the amounts so approved. Such warrant shall be
paid by the treasurer, and for this purpose the
sum of fifteen hundred (\$1,500.00) dollars per
annum, or so much thereof as may be necessary,
is hereby appropriated out of the money in the
treasury, not heretofore otherwise appropriated
for each of the fiscal years.

Section 8. That the act entitled—To provide
for the collection, compilation and publication of
statistics of cotton ginned within the State;
to establish a bureau of cotton statistics,

and to prescribe the duties and powers of such bureau; to make appropriations for the maintenance thereof; to require ginneries to make reports thereto; and to fix penalties for the violations of the provisions of this act, approved March 5th, 1907, and all laws and parts of laws inconsistent with the provisions of the act are hereby repealed.

Approved Aug. 13th, 1907.

No. 765.)

AN ACT

(S. 546.

To amend sections 1, 2, 4, 5, 6, 8, 9, 13, 14, and 15 of an act entitled an act entitled "An act to regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer materials and chemicals in the State of Alabama," approved March 3rd, 1903. Be it enacted by the legislature of Alabama: That sections 1, 2, 4, 5, 6, 8, 9, 13, 14, and 15, of an act entitled "An act to regulate the registration, branding, sale, tagging and analysis of commercial fertilizers, acid phosphates, fertilizer materials and chemicals in the State of Alabama," approved March 3, 1903, be and the same are hereby amended so as to read as follows:

Registra-
tion, etc.

Section 1. That all manufacturers, jobbers, and manipulators of commercial fertilizers and fertilizer materials to be used in the manufacture of the same, who may desire to sell or offer for sale in the State of Alabama, such fertilizers and fertilizer materials, shall first file with the commissioner of agriculture and industries of the State of Alabama, on or before December 1st of each fiscal year, upon forms furnished by the said commissioner, the name of each brand of fertilizer, acid phosphate fertilizer materials or chemicals which they may desire to sell in said State,

either by themselves or their agents, together with the name and address of the manufacturer or manipulator, also the guaranteed analysis thereof, stating the sources from which the phosphoric acid, nitrogen and potash are derived, provided any person, firm or corporation, organized after December the 1st, may register within one month after being organized. It shall be the duty of every such person, firm or corporation to notify the commissioner of agriculture and industries in writing by mail or otherwise, as may be most convenient, on day of shipment or twenty-four hours thereafter, of every such shipment. When exceeding five tons of fertilizer or fertilizer materials; such notice to state the brand name, number of sacks, the weight of each sack, and to whom shipped and addressed.

Section 2. Every person, firm or corporation or association of persons shall before offering any fertilizer or acid phosphate or fertilizer materials for sale or exchange in the State of Alabama, first shall procure a license from the commissioner of agriculture and industries authorizing such person, firm or corporation or association of persons to sell or exchange or deal therein. Such license shall be issued by said commissioner on the payment of a fee of one dollar and shall expire on the 30th day of September of each year. License required. Fee; expiration.

Section 4. All persons, companies, manufacturers, dealers or agents before selling or offering for sale in this State, any commercial fertilizer or fertilizer material, shall brand or attach to each bag, barrel or package, the brand name of the fertilizer, the weight of the package, the name and address of the manufacturer, and the guaranteed analysis of the fertilizer, giving the valuable constituents of the fertilizer in minimum per centages only. These items only shall be branded or printed on the package in the following order: 1. Weight of each package in pounds. 2. Brand name, and, or, trade mark. 3. Guaranteed analysis. 4. Available phosphoric acid per cent. 5. Nitrogen per cent. 6. Potash per cent. 7. Packages, etc. branded as to ingredients.

Name and address of manufacturer. 8. Total number of pounds of available plant food. 9. In bone meal, tankage or other products, where the phosphoric acid is not available to laboratory methods, but becomes available on the decomposition of the products of the soil, the phosphoric acid shall be claimed as total phosphoric acid unless it be desired to claim available phosphoric acid, also, in which latter case, the guarantee must take the form above set forth. In the case of bone meal and tankage, manufacturers may brand on the bag, information showing the fineness of the product; provided, it takes a form approved by the commissioner of agriculture and industries. The term available "phosphoric acid" as used in this act shall be held to consist of the sum of the "water soluble" and "citrate soluble" phosphoric acids.

Penalty;
when def-
icient.

Section 5. If any commercial fertilizer or fertilizer material sold in this State shall prove deficient in any of its ingredients, as guaranteed or branded on the sacks, bags or packages containing the same, and if, by reason of such deficiency, the commercial value of such fertilizers shall fall more than five per cent below the guaranteed total commercial value of such fertilizers, or fertilizer material, then any note or obligation given in payment therefor shall be collectable by law only for one half of the amount of such note or obligation; provided further, that any person, firm or corporation, who sells any fertilizers or fertilizer material that shall prove deficient in any of its ingredients as guaranteed and branded on the sacks, bags or packages containing the same, so that by reason of such deficiency the commercial value of such fertilizers shall fall more than five per cent. below the guaranteed total commercial value of such fertilizers or fertilizer materials, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred or more than one thousand dollars.

Section 6. No complete fertilizer, acid phosphate with potash, acid potash with nitrogen, or plain acid phosphate, shall be sold in this State which contains less than 14 per cent. plant food, namely: available phosphoric acid, nitrogen calculated as ammonia, and potash, either singly or in combination; provided, that no complete fertilizer shall be sold in this State which contains less than one and sixty-five hundredths per cent. of nitrogen equivalent to two per cent of ammonia.

Section 8. It shall be unlawful for any manufacturer, mixer, jobber, merchant or other person either by themselves or through their agents to sell or offer for sale in this State, any fertilizers or fertilizer materials that have not been registered with the commissioner of agriculture and industries as required by this act. The fact that the purchaser waives the tagging and analysis thereof shall be no protection to said party selling or offering the same for sale. In contracts for the sale of fertilizers in which an excessive or fictitious price is put upon such fertilizers with the stipulation that if such fertilizers are paid for on or before a certain date they may be paid for in a smaller sum than such excessive or fictitious price or in cotton or other product at an excessive or fictitious price the difference between the excessive or fictitious price charged for the fertilizers and real market value shall be held a penalty; and in all suits to enforce such contract only the real market value of such fertilizers with the interest thereon shall be recoverable. Parol evidence is competent to show such market price, the situation of the parties and the consideration of such contracts as in cases of usury, notwithstanding any writing in the premises.

Section 9. That guaranteed analysis of each and every brand of fertilizer and fertilizer material must without exception remain uniform throughout the fiscal year for which it is registered and in no case even in subsequent registrations shall the grade be lowered, although the portion of available constituents may be changed

Amount of
plant food re-
quired to
contain.

Unlawful to
sell fertiliz-
ers not regis-
tered.

Guaranteed
analyses must
remain uni-
form.

Register annually.

Fee.

Ingredients changed; re-registered

Prior right of registration.

Brand registered may be changed or cancelled.

so that the decrease of one constituent may be compensated for in value by the increase of the other or others. Such proposed change must first receive the approval of the commissioner of agriculture and industries. The brand name, or trade mark, registered by one manufacturer shall not be entitled to registration by another and the manufacturer having first registered and used the said brand and, or, trade mark, not be offered for current registration at the time. All such brand names which have heretofore been registered shall be *reregistered annually* under the provisions of this act on or before December 1st of each year, and for the privileges of such registration the person, firm or corporation, or association of persons, so offering the same shall pay to the commissioner of agriculture and industries at the time of offering the same for registration, the sum of five dollars for each brand name registered, and no brand name shall be registered hereafter without the payment of said sum. Such names as have been once registered under the provisions of this act shall not hereafter be required to be registered again, in said year, unless the ingredients of the fertilizer or fertilizer materials to and upon which such name is used are changed; and in the event of such change the fee herein required shall be again paid by the person, firm or corporation offering the said brand name for registration. Nothing in this section shall be construed so as to debar the right of any manufacturer to establish his ownership in, and prior right of registration of any brand name and, or, trade mark, whether said brand name and, or, trade mark, had been previously registered or not. Any brand name which has been registered may be changed or cancelled by writing duly signed and acknowledged or witnessed and filed in the office of the commissioner of agriculture and industries.

Section 13. That the commissioner of agricul-

ture and industries shall be required to secure samples of each and every brand of fertilizer or fertilizer material offered for sale or exchange in the State of Alabama, and for this purpose he shall have authority to employ for not exceeding three months in each year upon the approval of the governor as many fertilizer samplers as he may deem necessary not to exceed one to each congressional district, and said samplers to secure samples of each and every brand of fertilizers or fertilizer material offered for sale or exchange in the State of Alabama. Samplers to be paid out of any moneys in treasury to the credit of the department of agriculture and industries, their salaries and expenses not to exceed \$200 per month, on requisition of the commissioner of agriculture. Said samples to be procured in the following manner; samples drawn with such an instrument as shall secure the core from the entire length of the package from lots less than 10 packages from each sack, barrel or package and from lots of 10 packages or more, samples to be taken from not less than 10 packages, and after thoroughly mixing the samples so drawn, he shall by the method known as quartering, draw from such thoroughly mixed samples two sub-samples, and with them fill two sample bottles of not less than eight ounce capacity each and shall plainly mark on each of said bottles the number of said sample (the said number to correspond with the record kept by the commissioner in his office), giving the name of the fertilizer or fertilizer material, the name of the manufacturer, the guaranteed analysis, place where the sample was secured, the name of the party from whom the sample was taken, and the date of the sampling. That one of said samples shall be retained by said commissioner of agriculture and industries in his office, the other of said samples, marked only by said number, shall be sent to the State chemist, who shall make a complete analysis of the same set-

Samples; how
procured, etc.

ting forth the percentage of water soluble phosphoric acid, citrate soluble phosphoric acid (or the sum total of these two components, constituting the available phosphoric acid, as may be required by the commissioner of agriculture and industries), available phosphoric acid, acid soluble (or insoluble) phosphoric acid, nitrogen and potash, or such of these constituents as may be present, and certify under the same number as marked, said analysis to said commissioner, which analysis shall be recorded as official and entered opposite the brand of fertilizer or fertilizer material, which the number represents; such official analysis of such fertilizer or fertilizer material under the seal of the commissioner of agriculture and industries shall be admissible as evidence in any of the courts of this State on trial of any issue involving the merits of such fertilizer, or fertilizer material.

Testing as to
commercial
value.

Section 14. That it shall be lawful for any purchaser of fertilizer or fertilizer material within ten days after the receipt thereof to take in the presence of a notary public or justice of the peace, or two disinterested witnesses a sample of fertilizer in the following manner: In lots of ten sacks or less, a teacupful which shall be taken from the top and bottom of each alternating package; and in lots of from ten to fifty sacks from at least ten packages (and from lots of more than fifty packages from at least ten packages). Said samples so taken shall be thoroughly mixed upon some surface so as to not mix dirt or other foreign material with the fertilizer; then from different parts of such thoroughly mixed piles two bottles, jars or air tight receptacles of at least eight ounce capacity each shall be filled and such receptacles shall then be delivered to the notary public, the justice of the peace, or witnesses and by them sealed and the name of the purchaser and notary public or justice of the peace, or witnesses shall be endorsed on the labels, one of which shall be posted on each of said receptacles and the said purchaser and the said

notary public, justice of the peace or witnesses shall certify thereon that the samples were taken in the manner prescribed by law. One of such receptacles shall then be forwarded by the notary public, justice of the peace or witnesses by mail postage prepaid and properly addressed to the seller and the other of such receptacles shall be forwarded to the commissioner of agriculture and industries, by mail, postage prepaid, who shall cause the same to be analyzed by the State chemist, and all such samples shall have precedence in the order of analysis over all other analysis made by the State chemist, unless otherwise ordered by the commissioner of agriculture and industries; the result of such analysis shall then be forwarded to the commissioner of agriculture who shall record the same in his office. One copy of such analysis under the seal of the department of agriculture and industries shall be forwarded to the seller and one copy thereof under the seal of the department shall be forwarded to the purchaser. Such official analysis shall be admissible as evidence in any of the courts of the State in the trial of any issue involving the merits of the particular lot of fertilizer or fertilizer materials so sampled and analyzed.

Section 15. That the term "fertilizer material" used in this bill does not include lime, land plaster, cotton seed meal, ashes, or common salt not in combination and that the term "filler" when used in this bill, shall be understood to mean any foreign or make weight material used in the manufacture of any complete fertilizer.

Approved Aug. 14, 1907.

No. 767.)

AN ACT

(S. 507.

-To appropriate four thousand (\$4,000) dollars out of moneys arising from the sale of fertilizer tags, sale of license, or any other funds collected by the department of

agriculture and industries and paid into the State treasury, not otherwise appropriated, for the use of the department of agriculture and industries for the purpose of holding farmers' institutes, conducting experiments, gathering statistics, and for carrying out all laws now in existence or may hereafter be enacted for the betterment of the agricultural interests of the State.

Amount ap-
propriated
and pur-
poses of.

Section 1. Be it enacted by the legislature of Alabama, That there be and is hereby appropriated annually for the use of the department of agriculture and industries on approval of the governor, four thousand (\$4,000) dollars out of any moneys arising from the sale of fertilizer tags, sale of licenses to deal in fertilizers, or any other moneys collected by the department of agriculture and industries and paid into the State treasury, not otherwise appropriated, for the purpose of obtaining samples of each and every brand of fertilizer sold or exchanged, or offered for sale and exchange in the State of Alabama, for each season in which fertilizers are offered for sale, and publishing the same; and for holding farmers' institutes, making experiments, gathering statistics and carrying into effect all laws now in existence or may hereafter be passed for the betterment of the agricultural interests of the State.

How paid.

Section 2. That the auditor of Alabama is hereby authorized and required to draw his warrant upon the treasury of Alabama for such sums as the commissioner of agriculture and industries may make requisition, for upon the approval of the governor, at the end of each month not to exceed the said amount of four thousand (\$4,000) dollars for any fiscal year, provided, however, nothing contained in this act shall be construed as interfering with the provisions as set forth in section 397 of the code of Alabama of 1896.

Reports re-
quired.

Section 3. That the commissioner of agriculture and industries shall submit monthly reports

to the governor of all moneys received and expended by the department of agriculture and industries.

Approved August 9, 1907.

No. 768.)

AN ACT

(S. 600.

To make an appropriation for the erection of monuments commemorating the heroic deeds of Alabama's sons to be expended by the Alabama Monument Commission, with the approval of the governor.

Section 1. Be it enacted by the legislature of Alabama, That to enable the Alabama Monument Commission to erect suitable and dignified monuments, in the National military parks at Shiloh, Gettysburg, Vicksburg and Chickamauga and at such other places as the monument commission may in its judgment, see fit to erect a monument to commemorate the heroic deeds of Alabamians, and suitable monuments and head stones over the graves of Alabamians who died in prison, there is hereby appropriated a sum sufficient to pay not more than twenty-five thousand dollars for each one of the monuments to be erected in the national military parks and a sum not exceeding ten thousand dollars for any other monument erected by the monument commission. Amount appropriated and purposes of.

Section 2. It is the intent of this act to make the appropriation available till all monuments have been erected which the monument commission determine should be erected, and no part of it shall be drawn till actually needed and with the approval of the governor, who may direct the expenditure for monuments as not to embarrass the financial condition of the treasury. Intent of act.

Section 3. That with the approval of the governor the monument commission may join with any committee of citizens in erecting any monu- Commission may join with committee.

ment, or may supplement the amount raised by any camp of the United Confederate veterans, or camp of the United Sons of Confederate veterans, or chapter of the United Daughters of the Confederacy, or any Ladies Memorial association, to erect a monument provided that not more than \$25,000 be expended in any one fiscal year.

Approved Aug. 16, 1907.

No. 771.)

AN ACT

(S. 314.)

To provide for the taking of the census of the school children in the State of Alabama, and to provide a penalty for the making of a false enumeration thereof. Be it enacted by the legislature of Alabama, as follows:

Enumeration.

When made.

Report of
county super-
intendent.

Section 1. That the district trustees of each public school district in this State, whether existing under the general laws or created by special or local law, and the boards of education or school trustees or other governing board or body of any public school district lying in any incorporated town or city in this State, shall cause to be made during the month of July, 1908, and every even numbered year thereafter an enumeration of all the children within school age residing in each of said several school districts, and to that end said trustees or boards of education or other governing board or body shall select and appoint a proper and competent person to make such enumeration, on blanks to be prepared and provided by the superintendent of education of the State, and such person shall make a report of such enumeration under oath to the county superintendent of education of his county by the 15th day of August next succeeding the time of the taking of said census. The county superintendent of education shall then make a written verified report by districts to the superintendent of education of the State.

Section 2. That the court of county commissioners, or board of revenue or other court of like jurisdiction for each county shall fix the compensation of each of said persons taking such school census in each district no part of which is situated in any incorporated town or city, and shall order the same paid to such persons out of the general funds in the county treasury of the county wherein such enumerations are made. And the mayor and city council or other governing body of any municipality wherein a public school district, as hereinabove in this act described is situated in whole or in part, shall fix the compensation of the person who shall take the school census in such district and shall order the same paid out of the treasury of such town or city.

Compensation of persons making enumeration.

Section 3. That any person appointed to make an enumeration of the children within school age of any public school district in this State as required by section 1 of this act who shall knowingly make a false or fraudulent enumeration or report of the number of children within school age residing in such district shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and shall also be sentenced to hard labor for the county for not less than six months nor more than twelve months.

Penalty for false enumeration.

Approved August 14, 1907.

No. 773.) AN ACT (H. 1370.

To provide a commission to investigate the charges made against the management of the Insane hospital; to prescribe its powers and duties and to pay the per diem, mileage and expenses thereof. Be it enacted by the legislature of Alabama:

1. There is hereby created a commission to be composed of five legislators to be appointed by

Commission; members of.

Power and
duty.

the governor whose duty it shall be to investigate all of the charges of mismanagement made against the Alabama Insane hospital, and that are now being investigated by a joint committee of the legislature.

2. The commission shall have power and it is their duty to examine all witnesses whom they have reason to believe know any material facts in reference to such charges or who know of the condition of the hospitals, their management and conduct and shall have power to issue subpoenas for witnesses and compel the production of books and papers. It shall be the duty of any sheriff in the State of Alabama to execute and promptly return to the commission any subpoenas, notices or citations issued by the commission for which the sheriff shall be paid the same fees as are allowed for executing similar papers issued out of the circuit court.

Report of
findings.

3. The commission shall examine the Bryce Hospital and the management and conduct of every department thereof and make report of their findings thereupon together with their conclusions upon all of the evidence submitted to them as to the truth of the charges of management and abuse of patients in the hospitals, and file this report with the governor within thirty days from the approval of this act.

Stenogra-
pher; may
employ.

4. The commission shall have authority to employ a competent stenographer and shall obtain from the secretary of State any and all stationery that they may need and shall be paid four dollars per day for every day they are actually engaged in making the examination and report herein provided for and not exceeding two dollars and a half per day for actual expenses.

Salary of com-
missioners.

Mileage.

5. Every commissioner shall be entitled to receive ten cents a mile for every mile traveled in attending the sittings of the commission and returning to their homes. The witnesses summoned and attending the sitting of the commission shall be paid the same per diem and mileage as witnesses in the circuit court.

Witnesses,
pay of.

6. The per diem and mileage of the commissioners, the pay of the stenographer and of witnesses and sheriffs shall be paid out of the State treasury upon the certificate of the chairman of the commission, in the warrant of the State auditor and an appropriation sufficient herefor is hereby made. How per diem mileage paid.

7. The governor shall upon receipt of the report and the evidence taken by the commission have the same or so much thereof as may be necessary for a proper understanding of the truth of the matter published in pamphlet form in such numbers as he may deem proper and also in any newspaper for the information of the public. Governor may publish report.

8. That all legitimate expenses incurred by the joint committee, including their traveling expenses shall be paid in the same manner as provided in this act. Expenses paid.

Approved Aug. 9th, 1907.

No. 776.)

AN ACT

(H. 558.

To regulate the employment of child labor in certain mills, factories and manufacturing establishments in this State, and to provide for the inspection of the rooms, places and premises wherein they are worked and to adequately punish violations of this act.

Section 1. Be it enacted by the legislature of Alabama, That no child under twelve years of age, shall be employed or permitted to work in or be in or about any mill, factory, or manufacturing establishment in this State, and this provision shall be in force and effect from and after January 1, 1908. One year after the provisions of this section as above set forth go into force and effect, no child between the ages of twelve and sixteen years shall be employed or be permitted to work or detained in or about any mill, factory or manufacturing establishment in this State un- Under 12 years not allowed to work. Between age of 12 and 16 must attend school.

less such child shall attend school for eight weeks in every year of employment, six weeks of which shall be consecutive.

Child under
14 years, No.
of hours al-
lowed to work.

Section 2. No child under the age of fourteen years shall be so employed or detained in or be in or about any mill, factory, or manufacturing establishment within this State for more than sixty hours in any one week, the provisions of this section shall be in force and effect from and after January 1, 1908.

Child under
16 years.

Section 3. No child under sixteen years of age shall be employed or detained in, or be in or about any mill, factory, or manufacturing establishment within this State, between the hours of seven o'clock p. m., and six o'clock a. m. standard time, and no child over sixteen and under eighteen years of age shall be so employed or detained between said hours for more than eight hours in any one night, the provisions of this section shall be in force and effect from and after January 1, 1908.

Affidavit be-
fore working.

Section 4. It shall be unlawful for any person, firm or corporation to employ, or detain in or permit to work in, or be in or about any mill, factory, or manufacturing establishment any child under eighteen years of age, without first requiring said child to present on a blank furnished by the employer, the form of which shall be provided by the inspector, the affidavit of the parent or guardian or other person standing in parental relation to such child, stating the date and place of birth of said child. Said affidavit shall be filed by such employers within ten days after the employment of such child, in the office of the judge of probate of said county, and shall be numbered and labeled with the name of the child, and a complete index thereof made and preserved as other records in said office. For the services so rendered the judge of probate shall receive from the county treasury ten cents for each such affidavit. A copy of said affidavit shall be forwarded, within ten days after the employment of

Affidavit filed
with probate
judge.

such child, to the inspector, Montgomery, Alabama.

Section 5. Any person, firm or corporation who violates any of the provisions of this act, or who knowingly permits any child to be employed or detained in, or be in or about his, their or its mills, factory or manufacutring establishments, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction shall be punished by fine of not less than fifty dollars nor more than one hundred dollars, for each offense. Penalty for violation.

Section 6. Any person, firm or corporation, who violates any provisions of this article, or who employs any child, or knowing permits any child to be employed, or to work in or about, or be detained in or be about any mill, factory or manufacturing establishment contrary to law, or who fails or refuses to obey promptly every lawful order or direction given by the inspector under this law, must on conviction be fined not less than fifty dollars nor more than one hundred lollars, and upon a second conviction, for any violation of this law, must be fined not less than one hundred nor more than five hundred dollars, and if a natural person be sentenced to hard labor for not more than six months, and any person, who knowingly makes any false affidavit, when an affidavit is required hereby is guilty of perjury. Penalty for violation.

Section 7. The inspector of jails and alms-houses is charged with the duty of inspecting all mills, factories and manufacturing establishments wherein women and children work, and he must inspect every such mill, factory or manufacturing establishment at least four times a year if practicable, without notice of his purpose to do so. He shall thoroughly inspect such manufacturing establishments, and ascertain their sanitary condition, and whether a good supply of fresh drinking water and fresh air and suitable water-closets for the women and girls are provided, separate and apart from those for the Duty of inspector of jails and almshouses.

use of boys and men and particularly the ages and conditions of the children employed, at work in, or detained herein; and shall carefully examine all affidavits filed in the probate office under this law and in connection therewith, the children named therein and all other matters concerning the operation and condition of the manufacturing establishments in which children work or are detained, or make written orders requiring correction of any defects in or about the mill, or manufacturing establishment, and make written report to the governor of every examination of every manufacturing establishment inspected by him, and note every refusal or failure to comply with or observe the law, in any respect, which reports must be published annually.

Children removed from mill; when.

Section 8. It shall be the duty of the inspector to remove from any mill, factory or manufacturing establishment, any child found working or detained therein contrary to law, and to remove therefrom any child who is afflicted with any infections, contagious or communicable disease. The judgment of the inspector as to the removal of any child shall be final and conclusive.

Inspector to institute proceedings.

Section 9. It shall be the duty of the inspector to institute prosecutions against the owners, operators, managers and superintendents of any such mill, factory or manufacturing establishment, for every violation of law that they may discover, and to furnish to the solicitor of the circuit or county the names and addresses of all necessary witnesses.

Inspector has access to mills, etc.

Section 10. The inspector shall have free access at any time, to any mill, factory or manufacturing establishment wherein women and children work, or are detained, and any person who refuses to allow the inspector to have free access to a manufacturing establishment and every part thereof, or who hinders or obstructs him in inspection, or makes any false or misleading statement to the inspector about the establishment, its operation or condition, or about any person working or detained therein or who fails to have

Penalty for obstruction and false statements.

a plainly printed copy of this law posted up in the office and in every room in which any person works in the mill, factory or manufacturing establishment, must on conviction be fined not less than one hundred nor more than five hundred dollars, and on subsequent conviction be fined not less than five hundred dollars and may be sentenced to hard labor for not more than one year.

Section 11. Any owner or manager of a mill, factory or manufacturing establishment who disobeys any order of the inspector, removing a child from the mill, factory or manufacturing establishment; or who permits any child who has been removed by the inspector to return to work therein, or to be in or about the mill, factory or manufacturing establishment without the written permission of the inspector must on conviction be fined not less than fifty dollars, nor more than one hundred dollars.

Section 12. The inspector of jails and almshouses is authorized to employ a competent clerk with the approval of the governor who shall be authorized to perform the same duties as by law the inspector is authorized to perform and shall have and exercise the same powers under the direction of the inspector as the inspector has by law. The annual salary of the clerk of the inspector shall be eighteen hundred dollars, payable monthly out of the State treasury as clerks of the other departments are paid, and appropriation therefor is hereby made for the payment thereof.

Section 13. This act shall apply only to manufacturing establishments engaged in manufacturing or working in cotton, wool, clothing, tobacco, printing and binding, glass or any other kind of work that is injurious to health when carried on in doors.

Section 14. The inspector and clerk of the inspector, when traveling in the performance of their duties hereunder, shall be reimbursed their actual traveling expenses when approved by the

governor, to be paid on the warrant of the State auditor.

Approved Aug. 9, 1907.

No. 777.)

AN ACT

(H. 1249.

To regulate the fees of the sheriffs for feeding prisoners confined in jail under charge or conviction of any indictable offense, and to provide the payment therefor.

Fees for feeding prisoners.

Section 1. Be it enacted by the legislature of Alabama, That the sheriffs shall receive for feeding prisoners in jail under charge of conviction of any indictable offense, to be paid by the State according to the following scale, viz: When the number of prisoners does not exceed five, for each prisoner forty cents per day; when the number of prisoners exceeds five and does not exceed ten, for each prisoner thirty-seven and one-half cents per day; when the number of prisoners exceeds ten and does not exceed twenty, for each prisoner thirty-five cents per day; when the number of prisoners exceeds twenty for each prisoner thirty cents per day.

Repeal.

Sec. 2. All laws and parts of laws in conflict or inconsistent herewith are hereby repealed.

No. 778.)

AN ACT

(H. 949.

To create a text-book commission and to procure for use in the public schools of this State a uniform series of text-books, to define the duties and powers of said commission; to make an appropriation for the carrying into effect this act, and to provide punishment and penalties for the violation of the same.

Section 1. Be it enacted by the legislature of Alabama, That on or before March 1, 1908, the governor shall select and appoint nine educators of known character and ability, men well acquainted with arranging courses of study and engaged in public school work, one from each congressional district; who, together with himself, and the State superintendent of education, shall constitute the text-book commission of Alabama. ^{Text book commission; members of.} It shall be the duty of said commission to select and adopt a uniform series of text-books for use in the public schools of the State for a period of five years, and it shall be unlawful for any school official, director or teacher, to use any books upon the same branches other than those adopted by said State text-book commission. Said uniform series shall include the following branches of study, to-wit: Orthography, reading, writing, arithmetic, geography, grammar, language lessons, history of Alabama, containing the constitution of the State, history of the United States, elementary physiology and hygiene, elementary principles of agriculture and such other branches of study as properly belong in a common school course, provided that none of said text-books shall contain anything of a partisan or sectarian character. Before transacting any business pertaining to the duties of this commission they shall each take an oath, before some person authorized to administer oaths, to faithfully discharge all the duties imposed upon them as members of said text-book commission and that they have no interest directly or indirectly, in any contract that may be made under this act, and receive no personal benefit therefrom. Provided, further, that said text-book commission shall have the power by three-fourths vote to drop an unsatisfactory book at the end of any school year during the continuance of this contract, and to make another adoption. ^{Duty as to uniform series of books.} ^{Branches of study.} ^{Oath.} ^{Power to drop book.}

Section 2. Said text-book commission shall consider the merits of each book, taking into consideration their subject matter, the printing, ^{Selection and adoption of books.}

binding, material and mechanical qualities and their general suitability and desirability for the purpose intended, as well as the price of said books, provided that no text-book, the subject matter of which is of inferior quality shall be adopted by the text-book commission. Said commission shall select and adopt such books as will, in their best judgment, accomplish the ends desired, and they are hereby authorized and directed in case any book or books are deemed by them suitable for adoption, and more desirable than other books of the same class submitted, and they further consider the price at which the books are offered to be unreasonably high, and that they should be offered at a smaller price, to immediately notify the publisher or author of such book or books, of their decision and request such reduction in price as they deem reasonable and just, and if they and such publishers shall agree on a price they may adopt his book or books, but if not, they shall use their own sound judgment and discretion whether they will adopt that or the books which are deemed by them next best in the list published.

Officers.

Section 3. That said text-book commission shall immediately after their appointment meet and organize, the governor being president of the commission and the superintendent of education secretary of said commission. As soon as practicable, not later than thirty days after its organization, the commission shall advertise in such manner and for such length of time and at such places as may be deemed advisable, that at a time and place fixed definitely in said advertisement, sealed bids or proposals will be received from the publishers of school text-books for furnishing books to the public schools in the State of Alabama, through such agencies in the several counties, and places in the several counties in the State, as may be provided for in such regulations as said commission may adopt and prescribe. The bids or proposals to be for furnishing the books for a period of five years and no longer, and that

Advertise for
bids for books.

no bid for a longer period will be considered. Said bids shall state specially and definitely ^{Bids.} the price at which the books will be furnished, and shall be accompanied by one or more specimen copies of each and every book proposed to be furnished, and it shall be required of each bidder to deposit with the treasurer of the State a sum of money such as the commission may require, not less than five hundred dollars nor more than twenty-five hundred dollars, according to the number of books each bidder may propose to supply, and notice shall further be given in such advertisement that such deposit shall be forfeited absolutely to the State if the bidder making the deposit shall fail or refuse to make and execute such contract and bond as is hereinafter required, within such time as the commission may require which time shall also be stated in said advertisement. All bids shall be sealed and deposited with the secretary of State, to be by him delivered to the commission when they are in executive session, for the purpose of considering the same, when they shall be opened in the presence of the commission.

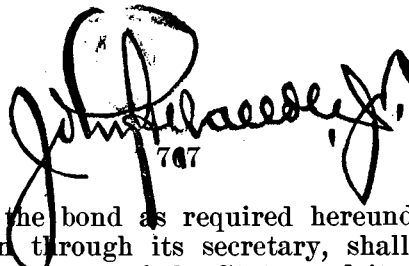
Section 4. That it shall be the duty of the said ^{Duty of com-} text-book commission to meet at the time and ^{mission as to} place designated in such notice or advertisement, ^{adoption of} and take out the sample or specimen copies sub- ^{books.} mitted upon which the bids are based. When the members have examined all books submitted until thoroughly satisfied, it shall be the duty of said text-book commission to meet in executive session to open and examine all sealed proposals submitted and received in pursuance of the notice or advertisement, provided for in Sec. three of this act. It shall then be the duty of said commission to examine and consider carefully such bids or proposals and determine in the manner provided in section one of this act, what book or books shall be selected for adoption taking into consideration the size, quality as to subject matter, material, printing, binding and the mechanical execution and price, and the general suit-

Contract; how
executed, etc.

Bond re-
quired.

Additional
bond.

ability for the purpose desired and intended; provided, however, that all books selected and adopted shall be written or printed in English. After their selection for adoption shall have been made, the said commission shall by registered letter notify the publishers or proposers to whom the contracts have been awarded, and it shall be the duty of the attorney general of the State to prepare said contract or contracts in accordance with the terms and provisions of this act, and the said contract shall be executed by the governor and secretary of State with the seal of the State attached upon the part of the State of Alabama, and the said contract shall be executed in triplicate, one copy to be kept by the contractor, one copy by the secretary of the text-book commission, and copied in full in the minute book of said commission, and one copy to be filed in the office of the secretary of State. At the time of the execution of the contract aforesaid the contractors shall enter into a bond in the sum of not less than \$10,000.00 nor more than \$30,000.00 payable to the State of Alabama, the amount of said bond within said limits to be fixed by said commission conditioned for the faithful, honest and exact performance of the contract, and shall further provide for the payment of reasonable attorney's fees in case of recovery in any suit upon the same, with three or more good solvent sureties, actual citizens and residents of the State of Alabama, or any guaranty company authorized to do business in the State of Alabama may become the surety on said bond and it shall be the duty of the attorney general to prepare said bond and approve the same provided however, that said bond shall not be exhausted by a single recovery, but may be sued on from time to time until the full amount shall be recovered and the said commission may at any time by giving thirty days notice, require additional security, or additional bond, within the limit prescribed. And when any person, firm or corporation, shall have been awarded a contract and submitted


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1907.

therewith the bond as required hereunder, the commission through its secretary, shall so inform the treasurer of the State, and it shall be the duty of the treasurer to return to such contractor the cash deposit made by him, and the said commission, through its secretary shall inform the treasurer of the names of the unsuccessful bidders or proposers, and the treasurer shall upon receipt of this notice return to them the amount deposited in cash by them at the time of the submission of their bid, but should any person, firm, company or corporation fail or refuse to execute the contract and submit therewith his bond as required by this act, within thirty days of the awarding of the contract to him, and the mailing of the registered letter containing the notice, (provided the mailing of the registered letter shall be sufficient evidence that the notice was given and received), the cash deposit will be deemed and is hereby declared forfeited to the State of Alabama, and it shall be the duty of the treasurer to place such cash deposit in the treasury of the State to the credit of the general school fund, and provided further, that any recovery had on any bond given by, any contractor shall inure to the benefit of the said fund of the State and when collected, shall be placed in the treasury to the credit of the said fund and be prorated among the several counties of the State.

Failure to give bond cash deposit forfeited to State.

Section 5. That the books furnished under any contract shall at all times during the existence of the contract be equal to, in all respects, the specimen or sample copies furnished with bids; and it shall be the duty of the secretary of State to carefully preserve in his office as the standard of quality and excellence to be maintained in such books during the continuance of such contracts the specimens or sample copies of all books which have been the basis of any contract, together with the original bid or proposal and the contractor shall also furnish each county superintendent of education like specimen or sample copies which shall be preserved by him in like

Books furnished must be equal to specimen copies.

Secretary of State to preserve copies.

Co. Supt. furnished specimen copies.

Price printed
on book.

No contract
made when
books sold in
another State
at a lower
price.

Stipulation
in contract as
to price.

Suit au-
thorized.

manner, and the same shall always be open to the inspection of the public. It shall be the duty of all contractors to print plainly on the back of each book the contract price, as well as the exchange price at which it is agreed to be furnished, but the books submitted as specimen or sample copies with the original bids shall not have the price printed on them before they are submitted to the commission. And the said text-book commission shall not in any case contract with any person or publisher for the use of any books which are not to be sold to patrons or used in any public school in this State, at a price above or in excess of the price at which such book or books are furnished by said person or publisher under contract to any State, county or school district in the United States under like conditions prevailing in this State and under this act. And it shall be stipulated in each contract that the contractor has never furnished and is not now furnishing under contract any State, county or school district in the United States, where like conditions prevail as are prevailing in this State under this act, the same book or books, as are embraced in said contract at a price below or less than the price stipulated in the said contract, and the said commission is hereby authorized and directed, at any time they may find that any book has been furnished at a lower price under contract to any State, county or school district aforesaid, to sue upon the bond of said contract and recover the difference between the contract price and the lower price at which they find the book or books have been sold, and in case a contractor shall fail to execute specifically the terms and provisions of his contract, said commission is hereby authorized, empowered and directed to bring suit upon the bond of such contractor for the recovery of all damages, the suit to be in the name of the State of Alabama, and the recovery for the benefit of the public school fund, but nothing in this act shall be construed so as to prevent said commission, and any contractor

agreeing thereto, from in any manner changing or altering any contract, provided that a majority of the commission shall agree to the change and think it advisable and for the best interest of the public schools of the State. In all matters unless otherwise provided a majority of said commission shall control. ^{Majority of commission control.}

Section 6. That it shall always be a part of the terms and conditions of every contract made in pursuance of this act, that the State of Alabama shall not be liable to any contractor in any manner, in any sum whatsoever, but all such contractors shall receive their pay or consideration in compensation solely and exclusively derived from the proceeds of the sale of books, as provided for in this act. Provided further that the commission shall stipulate in the contract for the supplying of any book as herein provided that the contractor or contractors shall take up the school books now in use in this State, and receive the same in exchange for new books at a price not less than fifty per cent of the contract price. ^{School books now in use to be taken up by contractor.} Provided, that such exchange period shall not continue longer than one year from the date of contract. And each person or publisher making a bid for the supplying of any book or books under this act shall state, in such bid or proposal the exchange price at which such book or books will be furnished.

Section 7. That the text-book commission shall have and reserve the right to reject any and all bids or proposals if they shall be of the opinion that any or all should for any reason be rejected. And in case they fail among the bids or proposals to select or adopt any book or books upon any of the branches mentioned in previous section of this act, they may re-advertise for sealed bids or proposals under the same terms or conditions as before, and proceed in their investigations in all respects as they did in the first instance and as required by the terms and provisions of this act, or they may advertise for sealed bids or proposals ^{Right to reject bids.} ^{Readvertise for bids.}

Bids on
books in man-
uscript.

Bids for pub-
lishing same.

Cash deposit.

Who may
bid.

How made.

from authors or publishers of text-books who have manuscripts of books not yet published, for prices at which they will publish and furnish in book-form such manuscripts or for prices at which they will sell such manuscripts, together with the copyright with such books for use in the public schools of Alabama, proceeding in all respects in like manner as before, and provided that before accepting or rejecting any manuscript it shall be their duty to take the manuscript and to advertise for sealed bids or proposals for publishing the same in book form, in like manner as herein provided for, and under the same restrictions and condition and the contract may be let for the publication of all such books or for any one or more separately; and provided further that the State itself shall not under any circumstances enter into any contract binding it to pay for the publication of any book or books, but in the contract with the owner of the manuscript it shall be provided that he shall pay the compensation to the publisher for the publication and putting in book form the manuscript together with the cost and expense of copy-righting the same; and provided, further, that in all cases, bids or proposals shall be accompanied with the cash deposit of from five hundred to twenty-five hundred dollars as the commission may direct, and as previously provided in this act. And it is further expressly provided that any person, firm or corporation now doing business, or proposing to do business in the State of Alabama shall have the right to bid for the contract to be awarded under this act in the manner as follows: In response to the advertisement when made as hereinbefore provided, said person, firm or corporation may submit in writing bid or bids to edit or have edited, publish and supply for use in the public schools in this State, any book or books herein provided for, provided that instead of filing with said bid or proposal a sample or specimen copy of each book proposed to be furnished, he may exhibit to the commission

a manuscript or printed form the matter proposed to be incorporated in any book, together with such a description and illustration of the form and style thereof, as would be fully intelligible and satisfactory to said commission, or they may submit a book or books, the equal of which in every way they propose to furnish, and they shall accompany their bid or proposal with the cash deposit and execute contract and bond as hereinbefore provided.

Section 8. That as soon as said commission shall have entered into a contract or contracts for the furnishing or supplying of books for use in the public schools in this State, it shall be the duty of the governor to issue his proclamation announcing such facts to the people of the State.

Section 9. That the party or parties, with whom the contract shall be made shall place their books on sale at not less than three places in each county of the State for the distribution of the books to the patrons and the contractor shall be permitted to make arrangements with a merchant or other person for the handling and distribution of the books. All books shall be sold to the consumer at the retail contract price and in each book shall be printed the following: (The price fixed herein, is fixed by State contract and deviations therefrom shall be reported to your county superintendent or the State superintendent at Montgomery). And it is expressly provided that should any party contracting to furnish books as provided for in this act, fail to furnish them, or otherwise breach his contract, in addition to the right of the State to sue on the bond hereinabove required, the county superintendent of any county may sue, in the name of the State of Alabama in any court of competent jurisdiction in the county in which he resides for the use and benefit of the school fund of the county, provided, that the right, of action of the county superintendent shall be limited to breaches of the contract committed in the county of his residence, and provided further, that in all cases un-

Proclamation of governor as to books.

Places where books sold.

Price to consumer.

What printed in book as to price.

County superintendent may sue on bond.

Service of process.

der this act service of process may be had and deemed sufficient on any agent of the contractor in this State.

Regulations as to prompt distribution, etc.

Section 10. That said commission shall from time to time make any necessary regulations to secure the prompt distribution of the books herein provided for, and the prompt and faithful execution of all contracts and it is expressly now provided that said commission shall maintain its organization for five years, and at the end of said period of five years, the governor shall name a similar commission with like powers and a like term as the first named commission.

Duration of commission.

New commission.

State superintendent to issue circular as to books adopted, price, etc.

Section 11. That as soon as practicable after the adoption provided for in this act, the State superintendent of education shall issue a circular letter to each county superintendent of education and each teacher in the State, and to such others as he may desire to send it, which letter shall contain the list of books adopted, the price, location of agencies, the manner of distribution, and such other information as he may deem necessary.

On expiration of existing contracts new books introduced.

Section 12. That as soon as the existing contract for books expires, the books adopted as a uniform system of text-books for the next five years shall be introduced and used as text-books to the exclusion of all others in all the public free schools in this State, provided that nothing herein shall be construed to prevent the use of supplementary books, but such books shall not be used to the exclusion of the books prescribed or adopted under the provisions of this act, provided that nothing in this act shall prevent the teaching in any school any branch higher or more advanced than the using of any previous section of this act, nor the using of any book upon such higher branches of study, provided that such higher branches shall not be taught to the exclusion of the branches mentioned and set out in this act.

Section 13. That nothing herein shall be construed to prevent or prohibit the patrons of the

public schools throughout the State from procuring books in the usual way in case no contract shall be made, or the contractor fails or refuses to furnish the books provided for in this act, at the time required for their use in the respective schools. Books procured in usual way in case no contract made, etc.

Section 14. That any person or teacher violating the provisions of this act, shall become guilty of a misdemeanor and upon conviction be punished by a fine of not less than ten dollars nor more than fifty dollars. Penalty for violation.

Section 15. That any teacher who shall use, or permit to be used in his, or her school any text book upon the branches embraced in this act, where the commission has adopted a book upon that branch, other than the one so adopted, except supplementary books, shall be guilty of a misdemeanor and upon conviction be punished as provided for in section fourteen of this act. Penalty for using books not adopted.

Section 16. That if any local agent, dealer, clerk, or other person handling or selling the books adopted under this act, shall demand or receive for a copy of any of the books herein provided for more than the contract price in cases where the purchase is for cash he shall be guilty of a misdemeanor, and upon conviction shall for each offense be punished by a fine of not less than fifty nor more than five hundred dollars. Penalty for overcharge for books.

Section 17. That the sum of three thousand dollars, or so much thereof as may be necessary, to be paid out of the monies in the treasury not otherwise expended, be and is hereby appropriated for the purpose of paying the cost and expense of carrying into effect the provisions of this act. Amount appropriated for carrying into effect act.

Section 18. That the governor and superintendent of education shall serve on the commission without compensation and the other members of the commission shall be paid the sum of four dollars per day during the time they are actually engaged, and in addition shall receive ten cents per mile for each mile traveled from their homes to their place of meeting and return. Compensation of members of commission.

	thereto ,to be paid out of the funds appropriated by section seventeen of this act and they shall each make and swear to a statement of the number of miles traveled and the number of days actually engaged.
Clerk for commission, salary, etc.	Section 19. That the said commission is authorized to appoint a clerk who shall have three dollars per diem during the time he is actually engaged and the same mileage as is allowed the members of the commission.
Duration of adoption.	Section 20. That the adoption made as provided for in this act shall continue for five years from the expiration of the existing contract, unless changed earlier as provided for in section one of this act.
Failure to furnish books forfeits bond.	Section 21. That in case of the failure of any contractor to furnish the books as provided in this contract, then his bond shall be declared forfeited, and the State school book commission is authorized and empowered to make such other contract for the unexpired term with any person to provide such books as they may deem advisable for the best interests of the State.
Contract for unexpired term.	Section 22. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.
Repeal.	Approved August 13, 1907.

No. 779.)

AN ACT

(H. 856.

To fix the compensation of the assistant clerk in the office of the commissioner of agriculture and industries and make appropriations therefor.

Amount of compensation.

Section 1. Be it enacted by the legislature, That the compensation of the assistant clerk in the office of the commissioner of agriculture and industries shall be fifteen hundred dollars per annum.

Section 2. That the sum of fifteen hundred dollars per annum is hereby appropriated for the purpose of paying the compensation of the said assistant clerk. ^{Amount ap-}
^{propriated.}

Section 3. That said assistant clerk shall be paid as provided by law, and this shall not be construed as additional to appropriations heretofore made. ^{How paid.}

Section 4. That the provisions of this act shall take effect immediately upon its approval by the governor. ^{Effect.}

Approved Aug. 9th, 1907.

No. 780.)

AN ACT

(H. 628.

To amend sections one (1) and four (4) of an act entitled an act to amend sections 1116 (1547), 1117 (1548), 1118 (1549), 1119 (1550), and 1120 (1551) of the Code of Alabama of 1896, approved February 28th, 1903.

Be it enacted by the Legislature of Alabama that section one (1) of an act entitled "an act to amend sections 1116 (1574), 1117 (1548), 1118 (1549), 1119 (1550) and 1120 (1551) of the Code of Alabama," approved February 28th, 1903, be amended so as to read as follows:

Section 1. 1116 (1547). All companies or associations whether voluntary or incorporated under the laws of this State, or any other State, doing in this State a business limited to the issuing of certificates or policies to, or agreeing with their members or policy holders upon the birth or death of any child, upon marriage, death, sickness, or upon any physical disability of such member or policy holder to pay money or render aid to him or to others dependent upon him or beneficiary designated by him, not exceeding the amounts governed by the following limitations as to weekly benefits and death benefits to the assured or beneficiary of the assured, and as to the ^{Mutual Aid,}
^{benefit or in-}
^{dustrial insur-}
^{ance companies}
^{defined.}

deposit required to be made and kept with the insurance commissioner as a benefit or indemnity fund, which money or aid payable as benefits is derived from donations or from fees, dues and assessments, are mutual aid, benefit or industrial insurance companies or associations.

Assessment deposit \$1,000.

Class 1. For a company or association doing business under this act limited to the plan of paying to the assured or beneficiary named by him, at death, an amount equal to the assessment made upon the members composing a class or section or division, the deposit shall be one thousand dollars, and such a company or association shall not do a weekly or monthly benefit insurance, nor any class of insurance other than the payment of an amount to the assured or beneficiary named by him, equal to an amount greater than the amount collected from such class, section or division, such amount payable to the assured at death, or beneficiary named by him only.

Maximum weekly benefit. Deposit \$2,000.

Class 2. For a weekly benefit of not exceeding twenty dollars in case of disability and no death benefit, such company or association shall keep on deposit with the insurance commissioner two thousand dollars.

Maximum weekly and death benefit. Deposit, \$3,000.

Class 3. For a weekly benefit of not exceeding ten dollars in case of disability and a death indemnity of not exceeding two hundred and fifty dollars, such company or association shall keep on deposit with the insurance commissioner three thousand dollars.

Maximum weekly and death benefit. Deposit, \$4,000.

Class 4. For a weekly benefit of not exceeding fifteen dollars in case of disability and a death benefit of not exceeding four hundred dollars, such company or association shall keep on deposit with the insurance commissioner four thousand dollars.

Maximum weekly and death benefit. Deposit, \$5,000.

Class 5. For a weekly benefit of not exceeding twenty dollars in case of disability and a death indemnity of not exceeding five hundred dollars, such company or association shall keep on deposit with the insurance commissioner five thousand dollars.

Such companies or associations shall not be authorized to transact business in this State until they have first submitted their charter, constitution, by-laws, and certificates of membership, or policies to the insurance commissioner, and have at all times not less than five hundred bona fide members or policy holders, and the amount that is required to be deposited with the insurance commissioner in such of the above and foregoing class or classes, of this section regulating weekly benefits, death benefits and deposit required to be made with the insurance commissioner as may be determined, shall limit the class of business of any company or association qualifying for business under this act, has been paid in as a benefit or indemnity fund for the use and protection of its members or policy holders. Such benefit fund must either be paid in cash or in bonds of either the United States, the State of Alabama, or of a county or municipality of said State, of the market value of the amount that may be specified in either of the above and foregoing classes of this section. Such benefit funds shall be kept on deposit with the insurance commissioner of Alabama and kept by him as an indemnity fund for the benefit of its members or policy holders in this State. Provided, however, that any such company or association making such deposit shall be entitled to the income thereof, and may from time to time, with the consent of the insurance commissioner, change in whole or in part the securities which compose the deposit, for other competent securities of equal value. Provided, further, that all companies or associations organized and transacting business under this act shall have, and at all times maintain solvent assets to the amount of one dollar and fifty cents for each one hundred dollars of insurance in force, written by such company or association, and in estimating and determining such amount, there must be deducted therefrom any liabilities of such companies or associations

Requirements precedent to authority to do business.

Minimum membership.

Benefit fund or deposit must be of market value of amount required.

Minimum asset required to be maintained.

	for any sums or amounts due or owing for any purpose or claims other than liabilities upon its policies or contracts of insurance.
Visitation and examination by authority of Ins. Department.	Sec. 2. Be it further enacted, That section four (4) be amended so as to read as follows: "Section 4. That section 1119 of the Code of Alabama of 1896, be amended so as to read as follows: 1119 (1550.) Visitation and examination: Every such company or association shall be subject to visitation and its books and papers to inspection by the insurance commissioner, his deputy, or such person as he may designate; and the actual expense of such examination shall be paid by the company or association. In no case shall the insurance commissioner or his deputy or such person as he may designate, charge for the time not actually taken in going over the books and papers of such company or association.
Expense of such examinations.	If the insurance commissioner is, after such examination, of the opinion that such company or association should be restrained from doing business, he shall report such opinion with the facts upon which it is based to the attorney-general, whose duty it is, if he thinks the facts warrant the report, to apply to the chancellor of the chancery division, or the city or other court having chancery jurisdiction in which is located the principal office of the company or association, for the appointment of a temporary receiver, and an order requiring the officers of the company or association to show cause within a reasonable time why the company or association should not be restrained from continuing business. In the event it shall be ascertained that the company or association should be restrained from continuing business, and if it shall appear that the interests of policy holders resident in the State of Alabama require further intervention and protection, the court may make the temporary receiver permanent, or may appoint a permanent receiver. In the administration of the duties of both temporary and permanent receivers they shall be sub-
Report of examination to attorney general.	
Duties of attorney general in case of restraint.	
Receiver.	

ject to the laws now in force and to such reasonable orders of the court as may be necessary."

Approved August 9, 1907.

No. 781.) AN ACT (H. B. 1343.

To authorize the Railroad Commission of Alabama to modify or change any rule or regulation prescribed by statute relating to demurrage or car service and charges therefor and the respective rights, duties and obligations of common carriers by rail and shippers and consignees with respect to furnishing empty cars and the transportation and delivery of freight and delay in the loading and unloading of cars and receiving of freight and charges therefor.

Section 1. Be it enacted by the Legislature of Alabama, That the Railroad Commission of Alabama is hereby authorized and empowered to modify or change from to time, as in its judgment conditions may render necessary or expedient, any and all rules and regulations prescribed by statute relating to demurrage and car service and charges therefor and respective rights, duties and obligations of common carriers by rail and shippers and consignees with respect to furnishing empty cars and the transportation and delivery of freight and delay in the loading and unloading of cars and receiving of freight and charges therefor.

Authority of railroad commission to change demurrage rules and regulations.

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Repeal.

Approved August 9, 1907.

No. 782.) AN ACT (H. 984.

To fix the salary of the judge and associate judge of the city court of Montgomery. Be it enacted by the legislature of Alabama:

Amount of
salary; how
paid.

Section 1. That from and after the passage of this act the salary of the judge and associate judge of the city court of Montgomery shall be four thousand dollars per annum for each payable as now provided by law in monthly installments.

Amount paid
by county.

Section 2. That the amount of such salary in excess of the amount payable out of the treasury of Montgomery county in monthly installments by warrants drawn by the board of revenues of Montgomery county on the treasurer of said county.

Approved August 9, 1907.

No. 783.)

AN ACT

(H. 1220.

To amend section two (2) and three (3) of an act entitled "an act to amend sections 897 and 911 of chapter 19, article 1, of the code of Alabama, approved March 6, 1907.

Act amend-
ed.

Section 1. Be it enacted by the legislature of Alabama, That section two (2) of an act entitled "An act to amend sections 897 and 911 of chapter 19, article one of the code of Alabama," approved March 6, 1907, be amended so as to read as follows: Section 2. That section 911 of the

Time of hold-
ing court 13th
circuit.

code of 1896 be amended so as to read as follows: 911. The circuit courts in the thirteenth judicial circuit shall be held in each year as follows: 1.

Washington
county.

In the county of Washington on the first Monday in March and October and may continue three

Baldwin
county.

weeks. 2. In the county of Baldwin on third Monday after the first Monday in March and Oc-

Mobile.

ttober, and may continue three weeks. 3. In the county of Mobile on the sixth Monday after the first Monday in March and October, and may continue until the first Monday in March and Oc-

14th circuit.

ttober following. 911a. The circuit courts in the fourteenth judicial circuit shall be held in each

Winston.

year as follows: 1. In the county of Winston

on the second Monday in January and July, and may continue two weeks. 2. In the county of Walker on the fourth Monday in January and Walker. July and may continue until the business is disposed of. 911b. The circuit courts in the fifteenth judicial circuit shall be held in each year as follows: 1. In the county of Elmore, on the second Monday after the fourth Monday in February and may continue two weeks, and on the first Monday in July and may continue one week; and on the third Monday after the third Monday in September and may continue two weeks. 2. In the county of Autauga, on the fourth Monday after the fourth Monday in February, and may continue two weeks; on the second Monday in July and may continue one week; and on the fifth Monday after the third Monday in September and may continue two weeks. 3. In the county of Chilton, on the sixth Monday after the fourth Monday in February, and may continue two weeks; on the third Monday in July and may continue one week; on the seventh Monday after the third Monday in September, and may continue two weeks. 4. In the county of Montgomery on the second Monday in January and may continue until the business is disposed of; on the third Monday in September and may continue until the business is disposed of. The terms of court in Montgomery shall not be affected by the terms of court to be held in the counties of Autauga, Chilton, and Elmore but the judge thereof may, when he deems it necessary recess said terms to be held in the county of Montgomery without adjourning the same. That in the counties of Autauga, Chilton and Elmore, grand juries shall be drawn, summoned and organized for the spring and fall terms of said court in the same manner as is now provided by law for drawing, summoning and organizing grand juries at the regular terms of the circuit courts of the State; but in said counties of Autauga, Chilton and Elmore no grand jury for said court at the July terms respectively shall be drawn, summoned and organ-

Montgomery
county grand
jury.

16th circuit
Blount.

St. Clair.

Etowah.

Grand and
petit juries.

ized, unless in the opinion of the presiding judge the public good require it, and, when organized, it shall be done in the same manner as now provided by law for the organization of grand juries for a special or adjourned term of the circuit courts of the State. That in the county of Montgomery no grand jury shall be organized for said court unless in the opinion of the presiding judge the public good requires it; and when organized it shall be done in the same manner as now provided by law for the organization of grand juries for a special or adjourned term of the circuit courts of the State. 911c. The circuit courts in the sixteenth judicial circuit shall be held in each year as follows: 1. In the county of Blount on the first Monday in January and June and may continue one week, for the trial cases, where triable by the court or judge without a jury; and on the first Monday in March and September and may continue two weeks for the trial of cases to be tried by jury, both civil and criminal. 2. In the county of St. Clair on the second Monday in January and June and may continue one week for the trial of cases triable by the court or judge without a jury; and on the third Monday in March and September and may continue two weeks for the trial of civil and criminal cases by jury. 3. In the county of Etowah on the third Monday in January and June and may continue until the business is disposed of; only cases triable by the judge or the court without a jury shall be tried at these terms, unless otherwise ordered by the judge; and on the first Monday in April and October and may continue until the business is disposed of; only cases to be tried by a jury shall stand for trial at these terms unless otherwise ordered by the judge or court as provided by law. In Blount and St. Clair counties grand and petit juries shall be summoned and empaneled at the second and fourth terms as herein provided in each year and all cases pending in the circuit courts of said counties which are triable by jury, both civil and

criminal, shall be tried. In the county of Etowah no grand jury shall be drawn or summoned at any time, unless ordered by the judge or court as provided by law. The circuit court of Talladega^{Talla-} county shall be held at Talladega^{ladega,} on the second^{county at Tal-} Monday after the second Monday in January^{ladega.} and July and may continue two weeks; and at Sylacauga, on the second Mondays in January^{At Sylacauga.} and July and may continue two weeks; provided, that before said court shall be held at Sylacauga a member of the court of county commissioners of said county shall make and file with the said court of county commissioners a certificate that a building suitable in all respects in which to hold said court has been provided without expense to the county.

Section 2. That section three (3) of said act^{Sec. 3. amend-} be amended so as to read as follows: Section 3.^{ed.} That this act shall go into effect from and after^{Effect; offi-} its approval and the governor shall immediately^{cers, salary,} appoint a judge and solicitor for circuits in which^{etc.} a vacancy of such offices may exist, whose salaries shall be respectively the same as is fixed by general law for the circuit judges and solicitors of the State.

Approved August 9, 1907.

No. 784.)

H. J. R.

(H. J. R. 362.

Be it resolved by the house of representatives,^{Relative to} the senate concurring, That the several federal^{enforce-} courts in Alabama be respectfully requested to^{ment of Sec.} enforce section 3239 of the revised statutes of the^{3239 revised} United States which requires tax stamps issued^{statutes.} to liquor dealers by the United States to be posted in a conspicuous place.

Approved August 9, 1907.

No. 786.) BE IT RESOLVED, (H. J. R. 361.

Federal law
against inter-
state ship-
ment of li-
quors.

By the house of representatives, the senate concurring therein, that our representatives in the congress of the United States from the State of Alabama be requested to do all in their power to secure the passage of a federal law prohibiting interstate shipments of intoxicating liquors or beverages into prohibition districts of the various States.

Approved August 9, 1907.

No. 787.) AN ACT (H. 280.

To furnish blanks to justices of the peace, notaries public and ex-officio justices of the peace, and constables, necessary for their business in their courts and to make provisions for the payment thereof.

Probate
judge to fur-
nish blanks.

Section 1. Be it enacted by the legislature of Alabama, That it shall be the duty of the judges of probate throughout this State to furnish the necessary blanks to the justices of the peace, notaries public and ex-officio justices of the peace, and constables in their respective counties, that are required to transact the business in their respective courts and report the cost of same to the commissioners' court or board of revenue in their respective counties for settlement.

Payment for
same.

Section 2. That upon filing the cost of said blanks in the commissioners' court or board of revenue it shall be the duty of said commissioners' court or board of revenue to draw warrant on the county treasurer to cover the cost of said blanks out of the funds from which the books and blanks of other county officials are paid.

Section 3. That the provisions of this act shall go into effect on and after the 1st day of October, 1907.

Approved August 9, 1907.

No. 791.)

AN ACT

(H. 1339.)

To exempt from taxation all property of any person, firm or corporation who has heretofore patented and owns exclusively, or has heretofore secured and owns exclusively, or who shall hereafter patent and own exclusively, or shall hereafter secure and own exclusively the patent right, on any article designed for the purpose of protecting human life and property, and which has not heretofore been manufactured for sale, which is devoted exclusively to the manufacture of such article and the manufactured products and patent rights, and to exempt from taxation the stock held by stockholders of such corporation.

Section 1. Be it enacted by the legislature of Alabama, That any person, firm or corporation who has heretofore patented and owns exclusively, or who has heretofore secured and owns exclusively, or shall hereafter patent and own exclusively, or shall hereafter secure and own exclusively, the patent right on any article designed for the purpose of protecting human life and property, which article has not heretofore been manufactured for sale, be exempt for a period of ten years from the passage of this act from taxation upon all of its property which is devoted exclusively to the manufacture of such article and the manufactured products thereof and patent rights, and that the stock of the stockholders of such corporation be exempt from taxation for said period of ten years. ^{Property exempt from taxation.}

Section 2. That all laws and parts of laws, general or special, in conflict with the provisions of this act, be and the same are hereby repealed. ^{Repeal.}

Approved August 9, 1907.

No. 792.)

AN ACT

(H. 977.

To authorize the board of revenue and road commissioners of Mobile county to issue bonds for the purpose of improving the harbor and river front at Mobile, Alabama.

Bonds au-
thorized.

Section 1. Be it enacted by the legislature of Alabama, That the board of revenue and road commissioners of Mobile county is hereby authorized to issue the bonds of Mobile county for a sum not to exceed one hundred thousand dollars, the form of the said bonds, the rate of interest, and the time of maturity to be fixed in the discretion of the said board of revenue and road commissioners.

Amount, etc.

Election as to.

Section 2. That the bonds hereinabove provided for shall only be issued after an election by the qualified electors of Mobile county held under the direction of the board of revenue and road commissioners, in the manner and form prescribed by law, in which said election, a majority of the votes cast thereat shall be in favor of said bond issue. And the said election shall be conducted in all things as is provided by the constitution and laws of the State of Alabama.

Proceeds from
sale of bonds.

Section 3. That, after the sale of the bonds above provided for, the money realized therefrom shall be deposited with the treasurer of Mobile county, and shall be paid out only upon warrants drawn by the supervising engineer in charge of the work of harbor improvement, such warrants to be countersigned by the president and secretary of the board of revenue and road commissioners.

Power and
authority of
board of reve-
nue and road
commission-
er.

Section 4. That the board of revenue and road commissioners shall have full power and authority to carry out the purpose of this act by holding the election herein provided for, offering and selling the bonds to the highest bidder, and executing through a supervising engineer or engineers to be by them selected, the improvement of

the river and harbor of Mobile from the mouth of Mobile river northwardly to the mouth of Three Mile creek.

Approved Aug. 9, 1907.

No. 794.)

AN ACT

(H. 1092.

For the relief of J. W. Angle. "Whereas, J. W. Angle who was doing business under the name and style of J. W. Angle & Co., did take out a license as a retail dealer in spirituous, vinous, and malt liquors for the year 1907 and pay the State of Alabama the sum of \$412.50 for the same; and whereas, the said J. W. Angle did voluntarily retire from said business during the month of June, 1907; and whereas, said license was not transferable and the said J. W. Angle, therefore, lost one-half of the benefits of the same, therefore: Be it enacted by the legislature of Alabama, That the sum of \$206.25 be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of paying to the said J. W. Angle one-half of the amount of said license so paid for to the State by him. And, on the passage of this act the State auditor is authorized and directed to draw his warrant on the State treasurer in favor of the said J. W. Angle for the said sum of \$206.25.

Amount appropriated.

How paid.

Approved Aug. 13, 1907.

No. 795.)

AN ACT

(S. 552.

To fix the time and places of holding the chancery court in the northeastern chancery division of Alabama.

Section 1. Be it enacted by the legislature of Alabama, That the chancery court in the north-

Northeastern division; time of holding court.

Autauga Co.	eastern chancery division of Alabama shall be held in each year at the following times and places: In the sixteenth district, composed of the county of Autauga at Prattville on the first Monday in March and September and continue three days. In the eighth district composed of
Elmore Co.	the county of Elmore, at Wetumpka, on the first Thursday, after the first Monday in March and September, and continue three days. In the seventh district composed of the county of Chilton,
Chilton Co.	at Clanton on the second Monday in March and September and continue three days. In the sixth district, composed of the county of Shelby, at
Shelby Co.	Columbiana, on the first Thursday after the second Monday in March and September, and continue three days. In the tenth district, composed
Cleburne Co.	of the county of Cleburne, at Heflin on the third Monday in March and September and continue three days. In the fifteenth district, composed
Etowah Co.	of the county of Etowah, at Gadsden on the first Thursday after the third Monday in March and September and continue three days. In the eleventh district, composed of the county of Randolph,
Randolph Co.	at Wedowee on the first Monday in June and December, and may continue three days. In the first district, composed of
Chambers Co.	the county of Chambers, at LaFayette on the first Thursday after the first Monday in June and December and may continue three days. In the third district composed of the
Tallapoosa county.	county of Tallapoosa, at Dadeville, on the second Monday in June and December and may continue three days. In the fourth district composed
Coosa Co.	of the county of Coosa at Rockford on the first Thursday after the second Monday in June and December and may continue three days. In the twelfth district composed of the county of Clay,
Clay Co.	at Ashland on the second Monday in May and November and continue three days. In the fifth district composed of the county of Talladega, at
Talladega Co.	Talladega on the first Thursday after the second Monday in May and November and continue three days. In the thirteenth district, composed

of the county of Cherokee, at Centre on the third Cherokee Co. Monday in May and November, and continue three days. In the fourteenth district composed of the county of St. Clair, at Ashville, on the St. Clair Co. first Thursday after the third Monday in May and November, and continue three days. In the ninth district composed of the county of Calhoun Calhoun Co. at Anniston on the fourth Monday in May and November, and continue three days.

Section 2. That all laws in conflict with the Repeal. provisions of this be and the same are hereby repealed.

Approved August 9, 1907.

No. 796.)

AN ACT

(S. 574.

To create a commission whose duty it shall be to erect a statue of the late Mr. Jefferson Davis in front of the capitol in the city of Montgomery, Alabama, and to appropriate the sum of fifteen thousand dollars for the purpose of erecting such statute. Be it enacted by the legislature of Alabama, as follows, to-wit:

Section 1. A commission to be composed of Members of the governor of Alabama, the auditor of the commission. State, the director of the department of archives and history and two others to be appointed by the governor is hereby created for the purpose of Purpose of. erecting in front of the capitol in the city of Montgomery, Alabama, a statue of Mr. Jefferson Davis, the first president of the confederate States of America. The governor shall be ex-Officers. officio president of the commission, and said commission shall elect a secretary. If any vacancy Vacancy ; in said commission shall occur, such vacancy or how filled. vacancies shall be filled by the remaining members of said commission. In the proceedings of the commission each member thereof shall have Voting power one vote. But in case of a tie the president shall of members. have another vote.

Amount ap-
propriated.

Section 2. The sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of erecting said statue.

Expenses of
commission.

Section 3. The actual expenses of said commission shall be paid out of said sum. But the members of said commission shall receive no compensation for their services.

Record of pro-
ceedings kept.

Section 4. Said commission shall keep an accurate record of their proceedings and file the same in the office of the governor. Said commission shall also make a report to the legislature of Alabama of their doings in the premises; provided, that the appropriation herein made shall not be available until the governor shall certify to the commission that the condition of the State treasury will warrant the said expenditure.

Report to
legislature.

When appro-
priation
available.

Approved Aug. 16th, 1907.

No. 797.)

AN ACT

(S. B. 509.

To provide for the organization, incorporation, government and regulation of cities and towns and to define the rights, powers, duties, jurisdiction and authority of such cities and towns and of the officers thereof, and to prescribe penalties for violations of the provisions of this act.

Municipal or-
ganizations
declared
bodies cor-
porate.

Section 1. Be it enacted by the Legislature of Alabama, That all municipal organizations now existing in the State of Alabama, whether incorporated under the general laws of the State, or by special act of the legislative department of the State government, and now exercising corporate powers or functions, and all towns and cities that may hereafter be incorporated under the provisions of this act, shall and are hereby declared to be bodies politic and corporate, using a common seal which may at any time be changed, and having perpetual succession, under the name now used or hereafter assumed, as herein provided

Seal.

and each under such name as the "City of-----" or "Town of-----" as the case may be, shall sue and be sued, contract and be contracted with, acquire property by purchase, gift, device or appropriation for any municipal purpose herein authorized; and the same shall be held, managed and controlled by the said municipal corporations under the provisions of law herein contained, and all rules, regulations, resolutions and ordinances that may be required to carry out any or all of the provisions of this act shall be adopted by the several councils thereof. Such municipal corporations shall be and are hereby declared to be invested with the full Powers granted. ed. powers, duties and authority herein granted.

Sec. 2. No municipal election for officers, ex-Elections; cept as herein otherwise provided, shall be held time of. after the 1st day of January next until the third Monday in September, 1908, when a general municipal election shall be held. Officers elected and qualified after the passage of this act and before the 1st day of January, 1908, and persons holding office on the 1st day of January, 1908, Terms of office continued. shall unless removed be continued in office until the first Monday in October thereafter. Officers elected before the passage of this act whose terms shall not have expired on the first Monday in October, 1908, shall hold office until their terms expire under the provisions of the law under which they were elected, except as herein provided and the terms of office of all persons elected on the third Monday in September, 1908, shall, in such cases, begin on the expiration of the terms of the persons then holding office and the persons so elected shall hold office until their successors are elected and qualified. Provided, however, the term of no officer of the city holding office on the first day of January, 1908, shall in no event extend beyond the term of the mayor holding office at said time except as herein provided. Until the officers elected at the general municipal election on the third Monday in September, 1908, shall have assumed their duties of office, the corporate Officers elected to hold until expiration of term. Provision as to term of city officers.

Term Mayor
defined.

organizations of the several cities and towns of the State shall be and remain as now provided by law, and such municipal corporations shall have the powers and exercise the authority herein conferred, unless prohibited in express terms by the respective charters of the several cities and towns or when by their nature they may not be exercised by such municipalities as now organized. The term mayor as used in this act shall include the chief executive officer of any city or town as now organized.

Affirmative
action not
necessary.

Sec. 3. Affirmative action shall not be necessary for cities and towns to acquire the rights, power and authority herein granted. Municipalities shall, however, hold such elections and pass such ordinances and resolutions as are herein required.

Enforcement
of rights of ac-
tion, etc., etc.

Rights of action and rights of property arising before or existing at the time of a change of corporate organization as herein directed, shall be enforced against or in favor of such city or town, and all suits then pending in favor of or against municipal corporations shall continue to judgment unaffected by this act and shall be enforced in favor of or against such city or town, as the case may be, notwithstanding a change of name or of organization.

Corporate
limits not af-
fected.

The corporate limits of any city or town shall not be altered or affected by the adoption of this act.

Cities defined.

Sec. 4. Municipal corporations now existing, or hereafter organized under this act, containing two thousand or more inhabitants shall be called cities. All incorporated municipalities containing more than one hundred and less than two

Towns, census.

thousand inhabitants shall be called towns. The last census, whether federal or taken as herein authorized, shall be taken in determining the population of a city or town. At the next election, more than four months after the census shall have been taken and officially announced, if the municipality shows a population which authorizes a change in its government, under this

act, the proper officers for such a city shall be elected and perform the duties herein prescribed.

Sec. 5. When the inhabitants of an unincorporated community, which has a population of not less than one hundred, desire to become organized as a municipal corporation, they may apply to the probate judge of the county in which such territory is situated, or the greater portion thereof if it is situated in two or more counties, for an order of incorporation, by a petition in writing signed by not less than twenty-five qualified electors residing within the limits of the proposed municipality. Such petition shall state the proposed name of such municipality and shall have attached thereto and as a part thereof an accurate plat of the territory proposed to be embraced within corporate limits. Proof of the residence and qualification as voters of the petitioners shall be made to the judge of probate, by affidavit, or otherwise, as he may direct.

Mode of incorporation.

Sec. 6. Upon compliance with the provisions of the next preceding section, the judge of probate must direct an election to be held, within thirty days after the filing of the petition, at a place within the limits of the proposed town or city, to be designated by him, and he shall give notice by publication in one or more newspapers, if there are any, published in the county, and by posting in three public places within the limits of the proposed town or city, that such election will be held at a certain time and place, and that a plat showing the limits of the proposed city or town is on file in the office of the judge of probate of such county.

Probate Judge to order election.

Sec. 7. The judge of probate shall appoint three qualified electors within the limits of the proposed city or town as inspectors to manage the election which shall be conducted under the same sanction and penalties as is provided by the general election laws, except that a voter may furnish his own ballot, upon which must be written or printed "Corporation" or "No Corpora-

Officers of election.

tion" and any person who is a qualified elector under the State law and has resided within the boundaries of the proposed city or town for three months next preceding may vote at such election.

Order of incorporation.

Sec. 8. Within five days after the election, the inspectors must certify the result to the judge of probate, who must, if a majority of the votes cast at the election are for "Corporation," cause an enumeration of the inhabitants residing within such territory to be made by such inspectors, or other persons appointed by him, and within three days after such enumeration has been completed and returned to him, shall make an order to be entered of record in the minutes of the court, that the inhabitants of such territory are incorporated as a town or city, as the case may be, by the name and with the boundaries shown by the petition; thereupon such town or city shall be vested with the rights and powers herein granted, incident to such corporations.

Election for mayor and council.

Sec. 9. Upon making such order of incorporation, the judge of probate shall order an election to be held, by the same inspectors, or others appointed by him, for the purpose of electing a mayor and members of the council authorized by this act, who shall, at such election, be elected from the city or town at large. Such inspectors shall give thirty days' notice of the time and place of holding the election by posting a notice in five public places within the limits of such town or city. Said inspectors shall have the powers and discharge the duties as inspectors and clerks in municipal elections, and said election shall be conducted, as far as practicable, in the manner herein prescribed for the election of city officers, and no person shall vote at such election unless he is a qualified elector of the county and has resided within the limits of the municipality for three months next preceding the election.

Report of result of election.

Sec. 10. Within five days after such election, the inspectors shall report the result of the elec-

tion to the judge of probate, who may enter an order confirming and approving the election and report, and in that event, the officers shown by such report to have been elected, shall upon the recording of such order be entitled to hold office until the next general municipal election and until their successors are elected and qualified. The judge of probate may, for fraud or material irregularities, set either of such elections aside and order another election, in like manner to be held by the same or other inspectors to be by him appointed. If any person fails to qualify within thirty days after he shall have been declared elected, the judge of probate may appoint some person to fill such vacancy. The judge shall make a record of the proceedings in the matter of such incorporation and election of officers and file in the office of the Secretary of State a certified copy of the entry showing the result of the elections preceding. The costs of all the aforesaid proceedings shall be paid by the town or city; but if no judgment is entered establishing the town or city, they shall be paid by the petitioners and judgment shall be entered dismissing such proceedings.

Fraud or irregularities.

Probate Judge may appoint.

Cost of election; how paid.

Sec. 11. Towns or cities that have permitted their organizations to become dormant and inefficient may, by a petition of a majority of the tax payers of such town or city to the probate judge, have their corporate organization reinstated by an order of the probate judge, entered of record, and thereupon he shall appoint a mayor and councilmen for such town or city, who shall hold their offices until the next regular election thereafter and until their successors are elected and qualified.

Dormant corporate organizations; how reinstated.

Sec. 12. Municipal corporations may, by ordinance, require a census to be taken of the inhabitants residing within the corporate limits of such municipality. Such census shall be taken by enumerators, who shall be responsible citizens, appointed by the mayor and confirmed by

Census; how taken.

Oath. the council. Such enumerator or enumerators shall take such census block by block and shall state, as far as practicable, the name, age, sex and color of each person residing within such municipality. They shall, before entering upon their duties, take and subscribe to the following oath: "I solemnly swear that I will honestly and conscientiously enumerate the inhabitants living within the town or city, or portion thereof allotted to me for enumeration," and any such enumerator who wilfully causes a false enumeration to be made, knowing the same to be false, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100.00 nor more than \$500.00 and also may be sentenced to hard labor for the county for not more than six months.

Penalties.

Census enumeration.

Sec. 13. Such enumeration shall be alphabetically arranged and returned to the mayor, together with the original books of enumeration. The mayor shall thereupon certify to the Secretary of State the result of such census giving the total number of each race residing within the corporate limits of the municipality, and the result so certified by the mayor under the seal of the municipality, attested by the clerk, shall be the official census of such city or town until the next federal census or until a new enumeration shall have been taken. When a municipal census shall have been taken in an odd year, it shall not be necessary to take a separate school census in such municipality during such year, but such school census shall be taken from the result of the enumeration made by the municipality, and certified as required by law to the State superintendent of education.

Cities divided into wards.

Sec. 14. The councils of the several cities may, by ordinance, divide such city into not less than three nor more than fourteen wards, except as otherwise provided herein, and the numbers and boundaries of such wards may be fixed and changed at any time, except as herein restricted. The several councils, respectively of cities, at

least six months previous to the first general municipal election held under the provisions of this act, shall divide such cities into wards, having as nearly as may be the same number of inhabitants, the lines thereof conforming to the center of the streets or alleys, and being rectangular as far as practicable. Ward lines having once been fixed shall not be changed by the council within three months previous to an election, nor within eighteen months of the time last established, except in the case of a census showing a population authorizing a change in the form of government or unless within such time additional territory shall have been annexed to such city, when such councils shall have the right to create new wards or annex such territory to wards already established.

Change of
ward lines.

Sec. 15. The regular municipal elections in cities and towns shall be held on the third day in September, 1908, and biennially thereafter. Municipal officers elected at such elections shall assume the duties of their respective offices on the first Monday in October following such election unless herein otherwise provided. The voting places shall be fixed by the council, one or more voting places for each ward, where such city has been divided into wards, and the election shall be conducted in the manner provided by law for general elections, except as otherwise provided in this act.

Regular
elections; time
of holding.

Term of office.

Elections; how
conducted.

Sec. 16. In cities having a population of six thousand or more at each general municipal election, except as herein provided, there shall be elected the following officers, who shall compose the city council for such cities and who shall hold office for two years and until their successors are elected and qualified, and who may exercise the legislative functions of city government and any other powers and duties, which are, or may be vested by law in the city council or its members:

Cities class-
ified.

Terms of of-
fice; number
of.

A president of the city council;

And, in cities having seven wards or less, two

Aldermen;
number of.

Cities of
50,000.

Vacancies;
how filled.

aldermen from each ward to be elected by the qualified electors of the several wards, voting separately in every ward, in cities having more than seven wards, one alderman from each ward and a sufficient number of aldermen from the city at large to make the total number of aldermen fourteen, exclusive of the president of the council, except as herein provided. And in cities having fifty thousand inhabitants or more the city council may create not exceeding twenty wards. The governing body as now organized of any city of more than thirty-five thousand population according to the last federal census, desiring a different organization of the legislative department of the city government than the above, to be effective at the expiration of its present organization as provided in section 2 of this act, may within thirty days after the approval of this act, by ordinance, elect to have the following legislative officers of this city; A president of the council, to be elected at each biennial municipal election by the qualified voters of the city and two aldermen from each ward to be elected by the qualified electors of the respective wards. One alderman from each ward to be elected biennially. The terms of such aldermen to be four years or until their successors are elected and qualified. Such governing body shall have full power and authority to provide for the organization of the council under this provision, including the election of long and short term aldermen at the general municipal election in 1908 if that be necessary. Provided, however, that the aldermen of each city taking advantage of this provision shall serve until the general municipal election nearest the expiration of their terms and until their successors are elected and qualified. Vacancies in the office of aldermen shall be filled by the council at the next regular meeting or any subsequent regular meeting of the council, the person so elected to hold for the unexpired term.

The council shall judge of the qualifications

and election of the mayor, the president of the Council to council, and of each alderman, and such other of-^{Judge of qualification of members.} ficers as may be elected by the people, and the resolutions and ordinances that may be adopted by the city council, under this section, shall not be subject to the approval or disapproval of the mayor. Whenever the population of any city exceeds fifty thousand, the council may increase^{Number of al-} the number of wards, and aldermen therefor, a^{men in-} ward for every four thousand population over^{creased.} fifty thousand.

Sec. 17. In cities having a population of more than six thousand, there shall be elected by^{Cities of more than 6,000, of-} the council, at its first regular meeting or as soon^{ficers of.} thereafter as practicable, a city treasurer, a city clerk, who shall be residents of such cities, and a city attorney, who shall hold office until the next general election and until their successors are elected and qualified, and such council may elect an auditor, a recorder and any officers whose election is required by ordinance and except as otherwise provided, the council shall have authority to fix the terms of office; prescribe their duties; and fix the salaries of the officers; provided, further, that such council may, by a two-thirds vote of the members elected, by and with the consent of the mayor, consolidate two or more of the offices and may abolish any such offices, the term of office of no incumbent to be diminished.

In cities having a population of less than six thousand and in towns, the council shall elect a^{Cities of less than 6,000.} clerk and may elect a recorder and fix their salary and term of office, and may determine by ordinance the other officers of such city or town, their salary, the manner of their election, and the term of office, but there shall be no recorder in towns.

Sec. 18. In all cities and towns, at the general election to be held on the third Monday in Sep-^{Elections; time of, etc.} tember, 1908, and biennially thereafter, there shall be elected a mayor, who, in cities having a population of six thousand or more, shall not sit

with the council nor have a vote in its proceedings, and he shall have the power and duties herein conferred.

In cities having a population of less than six thousand, and in towns, the legislative functions shall be exercised by the mayor and five aldermen; the mayor shall sit with and preside over the deliberations of the council and cast a deciding vote in case of a tie; and the aldermen in such municipalities shall be elected by the city or town at large at the first general election, on the third Monday in September, 1908, and biennially thereafter, they shall be elected by the city or town at large, or from wards, as the said councils may determine not less than six months before an election.

Officers, qualification of.

Sec. 19. Every mayor, councilman and officer elected by the whole electorate of the city or town shall be a resident and qualified elector of the city or town in which he shall have been elected, and shall reside within the limits of the city or town during his term of office. The councilmen shall be qualified electors of said city or town residing within the limits of the ward from which they shall have been elected, and shall reside within the limits of said ward during the term of his office.

Consolidation of municipalities.

Sec. 20. When two or more municipalities lying contiguous to each other desire to consolidate and operate as one municipality, they may do so in the manner following.

If it is the purpose to annex a city or town to another municipality, then each city or town shall express a willingness to such annexation by adopting an ordinance of the council, and the council of the municipality to be annexed shall thereupon call an election to be conducted in the same manner as other municipal elections and by officers selected by the council. Said election shall be held not less than thirty days after the passage of such ordinances. If at such election, conducted under the same sanction and penalties

as general elections, a majority of the qualified electors voting shall vote for annexation upon official ballots furnished for that purpose, then upon a canvass of the returns, made as in case of general municipal elections, showing such results the territory within the corporate limits of such city or town shall become a part of the annexing municipality and may be divided into wards or annexed to wards already established.

Provided that on presentation to the council of a petition signed by fifty qualified electors of the city or town, requesting an election to be held to decide whether such city or town shall be annexed to another city or town, it shall not be necessary for the council to pass an ordinance expressing a willingness to be annexed, but they are hereby directed to pass the necessary ordinances providing for an election by the qualified electors of such city or town to decide such question.

Section 20 1-2. The council of any city that alters and rearranges its boundary line so as to absorb two or more cities or towns, shall have the power to exempt from taxation for a period not exceeding five years, any industrial or manufacturing plant, situated in the territory added to said city, provided said term of exemption shall not be renewed or extended. The council of any city or town shall also have the power to exempt from taxation for a period not to exceed ten years, any industrial or manufacturing plant that may be established in said city, after the passage of this act; provided said term of exemption shall not be renewed.

Exemption
from taxation.

Section 21. If such municipalities desiring to consolidate wish to form a new and distinct corporate organization to be operated under the name of either one of such municipalities or a different name, the several councils shall each pass an ordinance expressing the purpose thenceforth to operate as one municipal corporation, under the name therein mentioned, and call an

Election for
consolidation.

election to be held simultaneously in the several municipalities, on a day designated by said ordinances, not less than thirty days after the passage thereof. Such election shall be conducted in the same manner as general municipal elections and by officers selected by the several councils. The voting places shall be designated by the councils and an official ballot shall be furnished with the words "For Consolidation" and "Against Consolidation" written or printed thereon. Said election shall be held under the same sanctions and penalties as general elections, and the returns shall be made to the councils by the proper officers. The several councils shall canvass such returns and announce the results in their respective municipalities. If a majority of the qualified electors voting in each municipality vote for consolidation, then such municipalities are hereby declared to be one municipal corporation and shall operate as one municipal government.

Wards; how divided and established.

Election of officers for consolidated municipality, how conducted.

The mayor and one councilman from each municipality, to be selected by the council, shall be and are hereby constituted a commission to divide such consolidated municipality into wards and if they are unable to agree, they shall call in another person who shall cast a deciding vote and such consolidated city shall be so divided into wards as the commission or a majority of them may direct. At a day, not more than thirty days after said commission has divided such city into wards, an election shall be held and conducted by officers selected by such commission conforming to the general municipal election law, at which election a mayor and the proper officers for a municipality of such size shall be elected. Officers conducting such election shall forthwith count the votes and make return to the commission, who shall declare the results of such election, and those receiving the highest number of votes shall be the officers of said consolidated city or town until the next general election, and

until their successors are elected and qualified.

Before entering upon the discharge of their duties, the commissioners shall take an oath, before some officer authorized by law to administer oaths, to faithfully and impartially discharge their duties as such commissioners. They shall be paid for their services such amount as may be allowed by the several councils, by ordinance and the expense of such election shall be paid forthwith by the consolidated city or town. If any commissioner fails or refuses, without sufficient excuse, to act upon said commission, he shall be guilty of a misdemeanor and upon conviction therefor, in a court having jurisdiction, shall be fined not less than \$100.00 nor more than \$500.00. If for any reason a member of the commission shall not act, the other commissioners shall have the right to declare his office vacant and fill the vacancy by the appointment of some suitable person. ^{Penalties.}

Sec. 22. The officers of the several municipalities shall continue in office and the corporate organization of the several municipalities shall continue unaffected until the officers of the consolidated town or city are elected and qualified as provided for in this act, and such officers so elected shall immediately qualify and assume the duties of their office. ^{Officers continue in office.}

The consolidated city or town shall succeed to all the powers, obligations, duties, rights of accretion, property and rights of property that belonged or appertained to the municipalities consolidated, and shall have all the rights, powers and privileges delegated to municipalities under this act; and shall be subject to all the duties, liabilities or obligations of such municipalities. All suits pending in favor of or against, either of the municipalities shall continue to judgment unaffected by the consolidation and may be enforced in favor of, or against such consolidated city or town, the same as if commenced by or against, such consolidated city or town. ^{Consolidated city succeeds to powers, allegations, etc. of municipalities.}

Extension of
city limits.

Sec. 23. Any town or city may, from time to time, extend its corporate limits in the manner set forth herein, but the provision of this act shall not preclude any city from extending its corporate limits in any other way or manner that may be authorized by law.

Duty of
Mayor.

Whenever the council shall pass a resolution to the effect that the public health or public good requires that certain territory, describing it, shall be brought within the limits of the city or town: (1) It shall be the duty of the mayor, to certify a copy of such resolution to the judge of probate of the county in which the land is situated proposed to be annexed and said certified resolution shall have attached thereto a plat or map of the said territory, which certified resolution and plat or map shall be filed by the judge of probate. (2) Within ten days from the date of the filing of such resolution, the judge of probate must make and enter an order upon the minutes of said court, directing and ordering an election to be held by the qualified electors residing within the territory described, not less than twenty days nor more than forty days from the date of making of the order. The said judge shall give notice of the holding of such election by publication in a newspaper published within the city or town whose limits are proposed to be extended, if a newspaper is published therein, and if no newspaper is published in said municipality, then by posting notices at three public places in such municipality, which notice shall state the day on which such election is to be held, the voting place or places, the boundaries within which voters must reside to vote at the respective voting places, which must be within the territory proposed to be brought into the city, or town, and such notice must give a description of the territory proposed to be annexed, and must state that a map of such territory is on file in the office of the judge of probate of said county, open to the inspection of the public. (3) The judge

Probate Judge
to order elec-
tion.

of probate may designate as many places within the territory proposed to be annexed as he may deem necessary for the convenience of the voters and must designate the boundaries within which the voters must reside to vote at the respective voting places, and shall appoint three inspectors of election, and one returning officer, for each voting place, which inspectors shall manage the election at the respective voting places at which they are appointed as inspectors. (4) Each qualified elector who has resided within the boundaries of the territory proposed to be brought into the city or town for three months next preceding the election, may vote at such election but must vote at the voting place designated by the judge of probate for voters in the territory in which he resides. (5) The election to determine whether or not the proposed territory shall be brought within such corporate limits, must be conducted in all respects as provided by the general election laws, and under the same sanction and penalties, except as changed by the provisions hereof, and except that an official ballot need not be provided. (6) Each voter may furnish his own ballot with the following words written or printed thereon, "For Annexation," if he desires to vote in favor of annexing the territory to the city, or "Against Annexation," if he desires to vote against annexing the territory to the city or town. It shall not be necessary for the ballot to be of any particular size, form or color. (7) The inspectors at the respective voting places must, as soon as the polls are closed, ascertain and certify the results of the election, at their respective voting places, to the judge of probate, and deliver the same to the returning officer, who must at once return the same to the judge of probate, and the judge of probate must canvass the return as made by the inspectors, and if it appears that a majority of the votes cast at the election were "For Annexation," the judge shall make and enter an order on the records of

Voters defined.

Election; how conducted.

Ballots.

Inspectors; duty of.

Probate judge; duty of.

Contest of
election.

Boundary of
territory to be
annexed.

the probate court adjudging and decreeing the corporate limits of the city or town to be extended so as to embrace the territory described in the resolution and designated on the plat or map attached to the resolution, and must cause the certified resolution and the map and all orders or decrees or judgments to be recorded in the records in his office, and from the time of the entry of such order such territory shall be a part of and within the corporate limits of the city or town. If it appears that a majority of the votes cast at the election are "Against Annexation," the judge of probate shall make and enter an order on the records of the court adjudging and decreeing that a majority of the votes at such election were cast against coming into the corporate limits of the city or town, and that the territory described and designated in the resolution and plat or map attached shall not form a part or be embraced in the city or town until it may thereafter be brought into the city or town as a part thereof. (8) The result of such election may be contested by any qualified elector voting at the election, under the same provisions as are provided by general law for contesting the election of justices of the peace, making the city or town the contestee. The city or town at whose instance the election is held shall pay all cost and expense incident to the election. (9) The plat or map filed with the certified copy of the resolution, as required herein, shall show the boundary of the territory proposed to be taken into the city, or town, which territory must be contiguous to the boundary of the city, or town, at some point, and such territory may extend to or around the boundary line of any other city or town, but is not to embrace any territory within the corporate limits of another municipality.

All territory brought within the corporate limits of a city, or town, under the provisions of this act, shall be subject to its laws and ordinances and the council shall have and exercise the same

jurisdiction over such territory as is exercised over the other territory within the corporate limits of the city or town.

The council may create new wards or may enlarge the wards, so as to embrace all the territory brought within the corporate limits of the city, or town, so as to afford opportunity to all persons entitled to vote at elections, in the city or town, to vote thereat. New wards.

The probate judge shall be entitled to the same fees for his services performed under the provisions hereof as he is authorized by law to charge and collect for similar services rendered by him and all other officers shall be entitled to the same compensation for services rendered by them as they are authorized by law to charge and collect for similar services rendered by them, and the city at whose instance the service is performed under the provisions hereof, shall pay all cost and expense thereof except in the case of a contest as herein provided. Fees of Probate judge.

Any city or town having extended its corporate limits under the provisions of this act or any other act, or law may again extend its corporate limits hereunder or under any other act or law authorizing an extension of corporate limits by such city or town. May further extend limits.

In every proceeding to extend the corporate limits of any city or town under the provisions hereof, the council of such city or town shall declare in each and every resolution herein provided for and the probate judge shall declare in each and every order directing and ordering an election to be held hereunder, and in every notice given hereunder, and in every order made and entered on the records of the probate court hereunder, that such resolution, order or notice, as the case may be, is passed, given or entered under the provisions of this act. Duty of council. Duty of probate judge.

After an election has been held in any territory under the provisions of this, or any other act or law, no other or subsequent election shall Election cannot be ordered under 6 months.

be ordered or held for the same territory or any part thereof within six months next after said election.

Cities and towns may change name.

Sec. 24. Any city or town may change its corporate name by passing an ordinance stating the new name proposed and submitting the question of change to a vote of the qualified electors of such municipality at the next general municipal election to be held therein. The result of the election shall be ascertained by the officers holding such general election and return shall be made to the council, which, in the event that a majority of the votes cast at such election are in favor of the change, shall pass a resolution or ordinance declaring the result of the election and stating the new name of the city or town.

Elections in cities and towns.

Sec. 25. Elections in cities and towns of this State shall be conducted according to the general election laws, except as otherwise provided in this act. The council shall appoint three inspectors, two clerks, and one returning officer for each polling place and may direct one or more polling places to be opened in each ward. It shall be the duty of the mayor and clerk to provide for the opening of said polls and to give at least ten days' notice by publication in a newspaper published in such city or town, if any, or by posting such notice in three public places in the municipality. Such notice shall give the names of the election officers at each polling place and the location of the polling places. If an inspector is absent at the time of opening the polls, those present may appoint a person to fill the vacancy. If all are absent, any three qualified electors of the municipality and of the ward may act as inspectors and appoint two clerks and a returning officer to fill vacancy, if any.

Registration lists

Sec. 26. The mayor of the city or town shall cause to be made duplicate copies of so much of the registration list of the county in which such city or town or any part thereof is located as may embrace the registered and qualified voters

who reside within the corporate limits of such city or town; in cities, dividing the same into separate alphabetical lists of the registered voters of each ward. He shall have compared such copies with the original registration lists and correct the same so that they shall be accurate, and shall certify on each that it is a correct list of the registered voters for the town or ward it appertains to. He shall have full access to all registration lists of the county for this purpose. One of each of said duplicates shall be filed with the clerk of the city or town, where it shall remain as a record of his office, and on or before the day of election, and before the opening of the polls, he shall furnish the inspectors for the respective wards or polling places with a copy of the lists of the registered voters of the ward or town for which such inspectors were appointed.

Sec. 27. For the purpose of such election, the ^{Inspectors,} lists furnished to such inspectors by the mayor ^{duty of.} shall be taken to be correct, but subject, if error is alleged, to be corrected by comparison with the original registration list. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line through the name of the person voting. The said inspectors shall immediately after the polls are closed, proceed to count the ballots, and certify the result of the election in their respective polling places to the council of the city or town. They shall enclose the ballots cast in their respective wards or polling places with the poll list, together with their certificates of the results, in the box furnished them for that purpose, and, after carefully sealing the same, deliver said box, with its contents, to the returning officer, and the same shall be immediately delivered by him to the clerk, who shall give to such returning officer his receipt for said box, stating in said receipt the condition of said box when received by him.

Sec. 28. Within three days after the delivery

Council to
canvass re-
turns.

of the boxes as hereinbefore required, the council shall proceed to open the same and canvass the return and the persons who shall have received the largest number of legal votes for the respective offices to be filled at such election, shall be declared elected to such offices and a certificate of election shall be given to such persons by the council, or a majority of them, which shall entitle the persons so certified to the possession of their respective offices immediately upon the expiration of the term of their predecessors as provided by law. In the event of a tie vote between two or more persons in said election, for the same office, the council shall order a new election not later than thirty days thereafter at which election said parties shall run off the tie vote and the person receiving the highest number of votes shall be declared elected. In the event that all opposition is withdrawn to a candidate receiving a tie vote, then no second election need be held and such candidate shall receive a certificate of election.

Contests.

Sec. 29. The election of any person to a city or town office may be contested upon the same grounds and in the same manner provided for contesting elections for judge of probate so far as applicable.

Challenge.

Sec. 30. Any person offering to vote at a municipal election may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote whom he knows or suspects not to be qualified under this act as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath: "You do solemnly swear that you will fully answer all such questions as may be put to you touching your qualifications as an elector." The inspectors, or one of them, must then examine him as to his qualifications under this act. They may also receive proof as to his qualifications other than the oath

Oath.

of the challenged party, and are hereby empowered to administer oaths to witnesses whom they may examine, and must admit or reject the ballot of the challenged party as his right may be shown, and if any person refuses to take the above oath, or to answer any question propounded touching his qualifications as an elector, his vote must be rejected. All rejected ballots shall be sealed up in a separate package and delivered to the council with the returns of the election. ^{Rejected ballots.}

Sec. 31. Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote to which he is not entitled, or having voted at such election votes a second time, whether in the same ward or another, or having once obtained registration in any ward, shall cause himself to be registered a second time, or attempts to obtain a second registration, whether in the same or another name, or whether in the same or another ward, or shall aid or assist another not so entitled, knowing him not to be so entitled, to vote or to obtain registration as a voter, shall be guilty of a felony, and, on conviction in the circuit court, or court of like jurisdiction, of the county, shall be punished by imprisonment in the penitentiary for a period of not less than one nor more than two years. ^{Fraudulent voting, penalties.}

Sec. 32. If the election hereinbefore provided for should not take place on the day appointed, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified. And it shall be the duty of the council to fix some day, as early as convenient, on which day said election shall be held, which election shall be conducted in all respects as a regular election, and the persons so elected shall hold their office until the next general election and until their successors are elected and qualified. ^{Election postponed;}

Sec. 33. Cities and towns may, except as aforesaid, by ordinance, provide for the election at any regular municipal election, or for the ap-

Appoint-
ment or elec-
tion of officers.

pointment, of such officers as are deemed need-
ful or proper for the good government of the city
or town and the due exercise of its corporate
powers, fix their terms of office, fix their compen-
sation, and prescribe the duties of such officers,
their liabilities and powers, and require them to
give bond in such sum and to be conditioned and
approved as the council may prescribe.

Officers may
be removed.

Sec. 34. Any person appointed to office
in any city or town may for cause, after a hear-
ing, be removed by the officer making the ap-
pointment. Provided the city council shall have
the right to remove, by a two-thirds vote of all
of those elected to the council, any person for
incompetency, malfeasance, misfeasance, or non-
feasance in office and for conduct detrimental
to good order or discipline, including habitual
neglect of duty, in the several departments.

Impeach-
ments, council
to try.

Sec. 35. The council shall have full power to
try all impeachments of the mayor, clerk, treas-
urer, and any member of the council, or any of-
ficers elected by a vote of the people, and when
sitting for that purpose, as a court of impeach-
ment, the members thereof shall be on oath or af-
firmation.

Impeach-
ments, remov-
als from of-
fice, council
may act.

Sec. 36. The council may impeach or remove
any of the officers named in the preceding sec-
tion, including the president of the council, for
corruption in office, habitual drunkenness, in-
competency, official misconduct, or any offense
involving moral turpitude or for habitual neglect
of duty, by a vote of two-thirds of all the mem-
bers elected to the council, except the mayor, as
to whom a three-fourths vote shall be requisite,
the vote in all cases being taken by yeas and nays,
and spread upon the minutes, five days' notice
and an opportunity of being heard in his own de-
fense having been previously given the accused,
with a copy of the charges against him. Upon
the preferring of impeachment charges against
any member of the council or the mayor, the ac-
cused shall be placed on trial, which trial shall

begin within thirty days from the notification of said charges as to the party impeached. Judgment in cases of impeachment shall not extend further than removal from office and disqualification from holding any office under the city during the term for which such officer was elected, but the party convicted shall be liable to indictment, trial and imprisonment in the State courts notwithstanding, if it be an offense punishable by the laws of the State. Upon the trial of all impeachments the accused shall have the right to appear in person, or by council, and to testify in his own behalf, and the municipality shall be represented in such cases by any person that may, by the council, be authorized.

Sec. 37. The council, or a committee thereof duly authorized by resolution, may summon witnesses and compel their attendance and compel witnesses to testify and produce books and papers and may punish them, by imprisonment not exceeding ten days, for failure to attend or refusal to testify or produce books or papers. The presiding officer of the council, or of the committee, may administer oaths to witnesses. During a session of the council, or of a committee, any person who is guilty of disorderly or contemptuous behavior in the presence of the council, or the committee, may be punished by the council, or committee, by arrest and imprisonment not exceeding twenty-four hours. A committee may require any officer of the police force or any patrolman to act as secretary of such committee.

Sec. 38. The mayor shall have powers and perform duties as follows: He shall keep an office in the city or town and shall receive such salary as the council may prescribe, not exceeding the following amounts; in cities having more than twenty-five thousand population not exceeding five thousand dollars (\$5,000.00) and not less than two thousand five hundred dollars (\$2,500.00) a year, in cities having six thousand and up to twenty-five thousand population not ex-

Council may
summon wit-
nesses.

Powers, duties
and salary of
mayor.

ceeding twenty-five hundred dollars (\$2,500.00) nor less than five hundred dollars (\$500.00) a year, in cities having less than six thousand population not exceeding one thousand dollars (\$1,000.00) nor less than four hundred dollars (\$400.00) a year, in towns, not exceeding six hundred dollars (\$600.00) nor less than fifty dollars (\$50.00) a year.

Mayor chief executive.

Sec. 39. The mayor shall be the chief executive officer, and shall have general supervision and control of all other officers, and the affairs of the city or town, except as herein otherwise provided; he shall have the power to appoint all officers, whose appointment is not otherwise provided for by law. He may remove any officer for good cause, except those elected by the people, and fill the vacancy caused thereby, permanently, if the appointment of such officer is made by the mayor; and temporarily, if such officer was elected by the council, or appointed with its consent in either of which last two cases he must report such removal, and his reasons therefor, to the council at its next regular meeting, when, if the council shall sustain the act of removal by the mayor, by a majority vote of those elected to the council, the vacancy shall be filled as herein provided.

Mayor requires reports.

Sec. 40. The mayor shall require reports to be made to him by any officer of the city or town at such times as he may direct or as may be prescribed by the council and shall, at least once in every six months make a statement to the council, in writing, of the financial condition of the town or city showing particularly all temporary floating indebtedness and for what created, and the steps he proposes to take for the protection of the credit of the city or town.

Cities right to borrow money.

Sec. 41. Cities and towns shall have the right to borrow money to the full extent authorized by the constitution, and in case of loans for temporary use, the same shall be repaid within eight months from the time of borrowing and shall not

bear exceeding the legal rate of interest, and no obligation of the municipality for money borrowed shall be issued unless signed by the mayor and attested by the clerk with the seal of the municipality impressed thereon and a record kept thereof. Bonds authorized to be issued by cities and towns of the State by act of the Legislature before the adoption of the constitution, or by laws adopted since the adoption of said constitution may be issued by such municipality the same, after becoming reorganized under this act, as before.

Sec. 42. Contracts entered into by a municipality shall be in writing, signed and executed in the name of the city or town by the officers authorized to make the same and by the party contracting. In case not otherwise directed by law or ordinance such contracts shall be entered into and executed by the mayor in the name of the city or town and all obligations for the payment of money by the municipality, except for bonds and interest coupons, shall be attested by the clerk. This section shall not be construed to cover purchases for the ordinary needs of the municipality.

Sec. 43. The mayor shall see that all contracts with the town or city are faithfully kept or performed. He shall execute all deeds and contracts, and bonds required in judicial proceedings for and on behalf of the city or town, and no sureties shall be required on such bond. He shall perform such other executive duties, in addition to those herein prescribed, as may be required of him by the council. In cities having a population of six thousand or more, all resolutions or ordinances intended to be of a permanent operation, after having been passed by the council shall, by the clerk, be transmitted, within forty-eight hours after their passage, to the mayor or acting mayor for his consideration, who, if he shall approve thereof, shall sign and return the same to the clerk, who shall publish

Contracts.

Mayor to see that all contracts are performed.

Other duties of mayor.

them, and such ordinances and resolutions shall thereupon have the force of law; provided, the council may provide that they shall be effective from approval. An ordinance or resolution may be recalled from the mayor at any time before it has become a law or has been acted on by him, by a resolution adopted by a majority of the members elected to the council, in regular or special session.

Veto power of
mayor.

Sec. 44. If the mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall, within ten days of the time of its passage by the council, return the same to the clerk with his objections in writing, and the clerk shall make report thereof to the next regular meeting of the city council, and if two-thirds of the members elected to the said council shall adhere to said ordinance or resolution, notwithstanding said objections, said vote being taken by yeas and nays and spread upon the minutes, then, and not otherwise, said ordinance or resolution shall after publication thereof have the force of law, unless by its terms it was to take effect on its approval in which event it shall take effect upon its passage over such veto. The failure of the mayor to return to the city clerk an ordinance or resolution with his veto within ten days after its passage by the council, shall operate and have the same effect as an approval of the same, and the city clerk shall publish the same as is herein provided for the publication of laws and ordinances of said city.

Ordinances
and resolutions may be
vetoed in part.

Sec. 45. Every ordinance and resolution fixing the salaries of employees and officers of said city shall be submitted to the mayor as ordinances are above provided to be submitted, and may be approved in part and vetoed as to specific items to be mentioned by the mayor in his veto message; in which case there shall first be submitted to the council at its next regular meeting, the question, "Shall the ordinance pass, the veto of the mayor notwithstanding," and in the event

that two-thirds of the members elected to the council do not vote for the passage of the ordinance the veto notwithstanding, there shall then be submitted the question, "Shall the ordinance stand as approved by the mayor," and if a majority of those elected to the council vote in the affirmative, the law as amended and approved by the mayor shall have the force and effect as law as in other cases, otherwise such salary ordinance shall be defeated.

Sec. 46. In case of the absence of the mayor ^{Absence of} from a city of six thousand or more inhabitants, ^{mayor, cities} or his inability to serve on account of sickness ^{of more than} 6,000, or any other good reason, the president of the council, or the president pro tempore of the council, in case of absence or disability of the president of the council, shall act as mayor pro tempore with the power and authority of the mayor during such time. In the event of a failure or refusal of the president of the council, or the president pro tempore of the council, to act, the council may appoint one of its members to act as mayor pro tempore with like effect, which appointment shall be entered in the minutes of the council. In the event of a vacancy, from any cause, in the office of mayor, the president of the council shall succeed to the office of mayor for the unexpired term; in the event of a vacancy in the office of president of the council, the president pro tempore shall, in like manner, be president of the council for the unexpired term; in the event of a vacancy in the office of the president pro tempore the office shall be filled from the membership of the council. In cities of less than six thousand inhabitants, and in towns, in case of absence or disability of the mayor, the functions of the office shall be exercised by the chairman pro tempore of the council and during his absence or disability, by such person as the council may appoint from its membership, which appointment must be entered upon the minutes of the council.

Officers re-
quired to give
bond.

Sec. 47. All officers or employees handling money or exercising authority over property of municipalities shall before entering upon the discharge of their duties give bond, with surety to be approved by the mayor, in such penalty as the council may prescribe, conditioned for the faithful discharge of the duties of his office and faithfully to account for all moneys received.

Money must be
paid to treas-
urer, daily bal-
ances.

Sec. 48. Officers of any municipality collecting or receiving moneys of the municipality be and are hereby required to pay such moneys over to the city or town treasurer instantler. Daily balances, in all cases, being required.

Claims, how
presented.

Sec. 49. All claims against the municipality (except bonds and interest coupons and claims for damages) shall be presented to the clerk for payment within two years from the accrual of said claim, or shall be barred; claims for damages growing out of torts shall be presented within six months from the accrual thereof or shall be barred.

Clerk; duties
of.

Sec. 50. The clerk of all cities and towns shall attend the meetings of the council and keep a record of its proceedings. He shall have the custody of the rules, ordinances and resolutions of the council and shall keep a record of them when adopted by the council. He shall also have the custody of the city or town seal. During the absence of the clerk, the council may appoint some person to perform his duties.

Clerk.

Sec. 51. The clerk shall submit all claims, requisitions and demands against the city or town to the council at its next regular meeting for its approval, unless already provided for by ordinance or resolution, and upon its being approved by the council and the passage of ordinances carrying it into effect when necessary, said clerk shall issue warrant on the city or town treasurer for the amount of such claim, requisition or demand. Before issuing any warrant upon the treasurer, the clerk shall audit the claim, certify to its correctness and keep a record thereof,

which record shall also show to what department or departments it is chargeable.

Sec. 52. The clerk shall keep a convenient set of books in which there shall be kept a separate account with each collecting officer of the city or town. He shall keep a separate account with each department for which a separate appropriation shall have been made, crediting the amount of the appropriation and charging warrants drawn against the same. He shall keep such other accounts as may be necessary to show the financial condition of the municipality, and of each department thereof, at all times. He shall not allow the amount appropriated for any item of expense to be drawn on for any other purpose. He shall not allow any warrant to be drawn unless sufficient funds actually be in the treasury to the credit of the fund upon which such warrant is drawn unless specifically authorized by an ordinance.

He shall issue all licenses unless otherwise provided by ordinance, receiving the money therefor and pay over the same instant to the treasurer. Any part of the duties of the clerk may be devolved upon the auditor by ordinance.

The clerk, in addition to these enumerated duties, shall perform any and all duties that may be required of him by ordinance or resolution. He shall give bond with sureties, to be approved by the mayor, in such sum as the council may prescribe.

Sec. 53. The treasurer shall give bond in such sum as the council may prescribe for the faithful performance of his duties and the safe custody of the funds. He shall be the custodian of the funds of the municipality, keeping an accurate record of the funds of the several departments, and shall keep books showing accurately the financial condition of the city. He shall pay out money only upon warrants drawn by the officers authorized herein to draw warrants upon the treasurer and when paid shall keep safely the warrant so

drawn. Such warrant shall be drawn by the clerk, approved by the mayor, except as herein otherwise provided, on the treasurer, the warrant showing to what department the same is to be charged. No warrant, however, to be drawn except by authority of law or ordinance. No expenditure shall be allowed unless the same shall have been authorized by ordinance, or by the mayor, and is carefully itemized and shall have been examined, audited and approved. He shall keep a record of all warrants presented for payment which are unpaid for want of funds, and shall pay them when funds are available in the order of their presentation. He shall make report once a month, or oftener if required by the council, of the financial condition of the account of each department authorized to draw on the treasurer, and shall make a quarterly statement, under oath, of the financial condition of the city or town to the council.

If no interest is stipulated to be paid on warrants drawn upon the treasurer and not paid for want of funds, then the legal rate shall be allowed from the time of the presentation, which time shall be endorsed by the treasurer on the warrant with his signature, but no interest shall be paid on such warrants after notice has been posted in the office of the treasurer, or in the office of the mayor, that such warrant will be paid on demand.

The treasurer shall sign all bonds issued as a liability of the city or town.

He shall perform such other duties as may be required of him by the council or by law.

Depositories. Sec. 55. The council may direct, by ordinance or resolution, the place where the treasurer shall deposit public money and may require interest to be paid thereon and security to be given by the depository; provided, that as to deposits made under the authority of an ordinance of the council, neither the treasurer nor his bondsmen, if the treasurer has exercised due care, shall be further liable for any loss occasioned thereby.

Sec. 56. The council shall provide that all moneys due the municipality or any department thereof shall be paid directly to the treasurer, ^{Moneys, how paid and collected.} and no moneys shall be collected by departments or officials therein as a part of the duties of that department, except as herein provided.

Sec. 57. The police jurisdiction in cities having six thousand or more inhabitants shall cover ^{Police jurisdiction.} all adjoining territory within three miles of the corporate limits, and in cities having less than six thousand inhabitants, and in towns, such police jurisdiction, shall extend also to the adjoining territory within a mile and a half of the corporate limits of such city or town.

Sec. 58. Ordinances of a city or town enforcing police or sanitary regulations and prescribing fines and penalties for violations thereof ^{Police and sanitary ordinances.} shall have force and effect in the limits of the city or town and in the police jurisdiction thereof and on any property or rights of way belonging to the city or town.

Sec. 59. Recorder as herein used shall, when ^{Recorder.} used in reference to jurisdiction and officers holding court, mean any person authorized herein to hold municipal court.

In cities covering a large territory, if necessary, the councils shall have the right to divide ^{Police jurisdiction may be divided.} the police jurisdiction of such city into districts, and may elect a sufficient number of recorders to hold court in such districts, who shall have, each and all, within such districts the power and authority herein granted to recorders. Such recorders shall try all cases within such districts except violations of the revenue laws, which cases shall only be tried by the recorder of the district in which the office of the mayor and council are situated. In the absence of any of such recorders, any councilman may preside over such court and have the power and authority herein granted recorders.

Sec. 60. It shall be the duty of the recorder ^{Recorder; duties of.} to keep an office in the city, and to hear and de-

termine all cases for the breach of the ordinances and by-laws of the city that may be brought before him, and it shall be his duty to make report, at least once a month of all fines, penalties and forfeitures imposed by him, or by any councilman in his stead. Such recorder is especially vested with and may exercise in the city, and within the police jurisdiction thereof, full jurisdiction in criminal and quasi criminal matters, and may impose the penalties prescribed by ordinance for the violation of ordinances and by-laws of the city, and shall have power of an ex-officio justice of the peace, except in civil matters; provided, that in the absence from the city, death, disability or inability of the recorder, any councilman may act as such recorder with his full power and authority.

Recorder,
powers of.

Sec. 61. The recorder trying any person for violation of any by-law or ordinance of the city shall, upon conviction of such person, have the power to fine and imprison him, to sentence him to hard labor upon the streets or public works, or in the work house or house of correction, of the city; and, in the event the fine and costs are not presently paid, to require the offender or person thus in default, to work out the fine and costs under the direction of the city authorities, allowing not exceeding one dollar for each day's service; provided, that no fine shall exceed one hundred dollars, and no sentence to imprisonment or hard labor shall exceed six months; and provided further, that no female shall be required to work on the streets of the city, but the council may provide by ordinance for the hiring out, within the county, any male or female convicted of a violation of any city ordinance, for the payment of fine and costs, or during the time the prisoner was sentenced to hard labor or imprisonment; provided that all contracts of hiring shall be approved by the mayor, and recorded in the office of the judge of probate of the county.

Sec. 62. Any defendant, on whom a fine is im-

posed by a recorder, on conviction for a misdemeanor or violation of a city ordinance, who before the recorder or mayor signs a written contract, approved in writing by the mayor and recorder, if any, whereby in consideration of another becoming his surety on a confession of judgment for the fine and costs, agrees to do any act or perform any service for such person, and who after being released on such confession of judgment, fails or refuses, without good and sufficient excuse, to be determined by the jury, to do the act or perform the service, which in such contract he promised or agreed to do or perform, shall be guilty of a misdemeanor, and must on conviction in the circuit or criminal court, as provided by law, be punished the same as violations of contracts on confession of judgment in criminal courts of record. Penalties.

Sec. 63. In any case involving the validity of an ordinance of the city, tried before the recorder, the council may take an appeal, without bond, to the circuit court or court of like jurisdiction; and in any case, the defendant may take an appeal to such court by giving bond with good and sufficient sureties payable to the city, to be approved by the recorder or officer trying the case, conditioned to be void if the defendant appears from term to term of said court, until discharged by law, to answer said charge, but unless such bond be given within five days from the date of the judgment no appeal shall be allowed from such judgment. An appeal bond for more than three hundred dollars shall in no case be required, but when sitting as a committing magistrate any reasonable bond may be required. Validity of ordinance, council may appeal.
Defendant may appeal.

The case appealed shall be tried *de novo* in such court and the judge or jury trying such cause is authorized to impose upon such person convicted such punishment by fine or by imprisonment in the city jail, or other place of confinement, or hard labor for the city, or by fine and imprisonment as the court or jury may deem Appeals, how tried.

proper and is authorized by law or ordinance for such offense.

Forfeiture.

Sec. 64. If such defendant fails to appear in the court to which an appeal was taken, when the case is called for trial, unless good cause is shown to the court for his absence or default, the court shall enter up a judgment of forfeiture on said bond against the defendant and his sureties, as is authorized or provided by law in criminal cases; and in case the defendant appears and judgment is rendered against him, unless the fine and costs are presently paid or judgment confessed therefor in favor of the city by the defendant with sureties in the same manner as provided for in convictions for violating the State laws the said court must remand the defendant to the city authorities for punishment, and the clerk of such court must in writing notify the mayor or chief of police of the judgment of the court trying such case and said notice to accompany the defendant when he is delivered to the city authorities for punishment, but if the judgment of the circuit court is paid, the clerk may receive such fine and costs and the defendant may be discharged, and such clerk must under a penalty of five per centum per month thereon for failure to do so, pay said money to the treasurer of the city within thirty days after he receives it. His bondsmen shall also be liable for said penalty and the amount thereof with the money collected may be recovered by motion after three day's notice.

Costs.

Sec. 65. After the prisoner has worked out the said fine and costs due the city, or served the sentence of the court, he shall, unless said costs are paid, be delivered to the sheriff of the county to work out the costs incurred in said circuit or other court, for which sentence shall be passed on him at the time of rendering judgment against him in the same manner and to the same extent as if said costs had been incurred in a case for violation of State law.

Sec. 66. From the judgment of said circuit

court or other court of like jurisdiction the city, in a case involving the validity of an ordinance, or the defendant in any case, may appeal to the supreme court of the State. On the trial of any cause in any court, any code or book containing the ordinances or resolutions of the city or town and purporting on the face thereof to be written or printed by the authority of the council and any ordinance or resolution certified by the clerk to be a law shall be received as evidence of the contents thereof without further proof.

Sec. 67. The recorder shall have original and concurrent jurisdiction with the county court or court of like jurisdiction, and all misdemeanors committed within the city or town, or within the police jurisdiction thereof, but no fine or judgment of acquittal or conviction rendered by said recorder shall be a bar to a prosecution by the State in any case where the facts or offense charged constitute a felony under the laws of the State of Alabama. When a person has been tried and convicted of an offense which is a misdemeanor under the State laws by a municipal officer empowered by law to try such offenses, he shall be punished as provided by law.

Sec. 68. The limits of the fine shall be the same as the limits imposed by the State for the same offense and whenever the State law prescribes for such offense one or more of said punishments conjunctively the punishment by the municipality shall be as prescribed by law. When any person has been tried by any municipal court for a misdemeanor or for violation of an ordinance committed within the police jurisdiction of the municipality, the judgment shall bar a prosecution for the same or substantially the same offense in the State courts, and when a person has been tried for a misdemeanor in the State courts the judgment shall bar a prosecution for the same, or substantially the same offense in the municipal court, and in all cases where persons are brought before the recorder if on investiga-

tion of the charge there is a reasonable cause to believe that a felony has been committed and that the defendant is guilty thereof, such officer shall only have authority to bind such defendant over to appear before the criminal or circuit court, or other court of like jurisdiction of the county and to proceed in all respects in such cases as justices of the peace are required by law to proceed.

Recorder;
powers of.

Sec. 69. The recorder shall have power to administer oaths, to compel the attendance of witnesses and to compel the production of papers and books and shall have power to punish by fine not exceeding ten dollars, and imprisonment not exceeding twenty-four hours, any person in contempt of court. Such recorder shall have power coextensive with county courts in such jurisdiction to issue writs and all other process and to approve and declare bonds forfeited.

Sheriff shall
obey orders of
Recorder.

Sec. 70. The sheriff of a county in which a city or town, or any part thereof, is located shall obey the recorder having legal authority and shall faithfully execute the warrants and processes committed to him for service according to their mandates, and it is made the duty of the jailor of such county to receive all persons committed by said recorder.

Mayor may
remit fines, etc.

Sec. 71. The mayor shall have power to remit fines and commute sentences imposed by the recorder and he shall report his action to the council at the next regular session with his reasons therefor in writing.

Tax assessor,
collector, po-
lice, etc.

Sec. 72. The council may provide for a tax assessor, tax collector, chief of police, chief of the fire department and shall specifically prescribe their duties. The council shall designate the persons who shall administer oaths and issue warrants of arrest for violations of law, and the ordinances of a city or town; and the person authorized to approve appearance bonds of persons arrested.

Sec. 73. In cities and towns having no re-

corder, the mayor shall be ex-officio recorder and his compensation as mayor shall also include his compensation for holding such office. The council may determine, by ordinance, the costs of the court, in no case to exceed costs allowed State offices for similar services, and such costs shall be paid into the city treasury.

Sec. 74. In cities and towns, the mayor shall, at least once a year, appoint an expert accountant who shall make an examination in detail of all books and accounts of the city officials to cover the period since the preceding examination and make a full report thereof in writing, under oath, to be submitted to the council at its first meeting after the completion of such report, and the same shall be spread upon the minutes of the council, provided that the same person shall not be appointed or authorized to make such examinations twice in succession. For his services said accountant shall be paid such sum as may be agreed upon.

Sec. 75. It shall be unlawful for any officer or employee of a town or city, himself or through any person, to deal or traffic in any manner whatever in any warrant, claim or liability against the town or city, and any person who violates this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 nor more than \$500.00. If any person so violating the foregoing provisions be the mayor or any member of the council, or any city board, he shall thereby forfeit and vacate his office. Nothing contained in this section shall prevent any officer from selling a claim he may acquire directly from the town or city in payment of a debt due him, or from purchasing in good faith so much of such claims as may be sufficient to pay his taxes and licenses for the current year.

Sec. 76. All legislative powers and other powers granted to cities and towns shall be exercised by the council, except those powers conferred on some officers by law or ordinance. They shall

Duties of council. perform the duties required in this act, including the following:

Organization. (1) The members of such council shall on the first Monday in October, after their election, assemble and organize the council.

Quorum. (2) In all towns or cities a majority of the whole number of the members to which such corporation is entitled, including the mayor in towns and cities of less than six thousand population, shall be necessary to constitute a quorum.

Place of meetings, time. (3) They shall determine the time and place of holding their meetings, which at all times shall be open to the public, and in towns and cities of less than six thousand population, in the absence of the mayor shall appoint a temporary chairman, which appointment shall be entered of record. In cities of more than six thousand population, they shall elect viva voce a president pro tempore.

Rules. (4) They shall determine the rules of their own proceedings and keep a journal thereof, which shall be open to the inspection and examination of all citizens, and shall have the force and effect of a record, and a copy thereof, certified by the clerk, shall be prima facie evidence in any court or elsewhere.

May compel attendance. (5) They may compel the attendance of absent members in such manner and under such penalties as they may prescribe.

Seal. (6) All cities and towns shall have a seal, in the center of which shall be the words "City Seal" or "Town Seal," as the case may be, and around the margin the name of the city or town, which shall be affixed to all transcripts, orders or certificates which it may be necessary or proper to authenticate.

Elections, viva voce. (7) All elections of officers shall be made viva voce, and a concurrence of a majority of the whole number of elected members to the council shall be required. On the vote resulting in an election or appointment the name of each member and for whom he voted shall be recorded.

(8) They shall fix, by ordinance, the term of service not to exceed the term of the mayor, of all the officers appointed or elected; whose terms are not prescribed by law. Term of office.

(9) They shall prescribe by an ordinance the powers to be exercised and the duties to be performed by the officers appointed, or elected, so far as such duties and powers are not prescribed by law. Powers and duties of officers.

(10) Except as otherwise provided, they shall have power to establish a police force and to organize the same under the general supervision of the chief of police, and to provide one or more station houses, and to require all things necessary for the maintenance of an efficient police department. Police force.

(11) Except as otherwise provided herein, they shall have the management and control of the finances and all of the property, real and personal, belonging to the city or town. Control of finances.

(12) No member of any city council shall, during the time for which he has been elected, be appointed to any municipal office which shall be created or the emoluments of which shall be increased during the term for which he shall have been elected. Nor shall he be interested, directly or indirectly, in any contract or job for work or material, or the profits thereof, or services to be performed for the corporation, except as herein provided. Members of council cannot be appointed to office; must not be interested in any contract.

(13) No alderman nor officer or employee of the municipalities shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from the treasury, nor shall any member of the council or officer of the municipality be surety for any person having a contract, work or business with such municipality, for the performance of which a surety may be required. The award of each contract for which bids have been submitted, shall be made to the lowest responsible bidder, Officers must not be interested in any work or contract. Award of contracts.

who may comply with such reasonable regulations as may be prescribed before the bids are called for.

Appropriations; expenditures.

Sec. 77. In all cities, at or before the beginning of each fiscal year, the council shall appropriate the sums necessary for the expenditures of the several city departments for such fiscal year, not exceeding in the aggregate within ten per centum of its estimated receipts and such city council shall not appropriate in the aggregate an amount in excess of its annually legally authorized revenue. But nothing herein shall prevent such city from anticipating their revenues for the year for which such appropriation was made or from contracting for temporary loans as herein provided, or from bonding or refunding their outstanding indebtedness.

Councilmen not entitled to vote.

Sec. 78. No councilman shall be entitled to vote on any question in which he, or his employer, or employee, has a special financial interest at the time of his voting, or was so interested at the time of his election.

Council, meetings of.

Sec. 79. There shall be at least two regular meetings of the council in each month and the presiding officer shall call special meetings, whenever in his opinion the public interest may require it, and whenever two aldermen or the mayor request him in writing to call such meeting; upon the failure or refusal of the presiding officer to call such meeting when requested, the two aldermen or the mayor making the request shall have the right to call such meetings.

Ordinances, power to adopt.

Sec. 80. Municipal corporations shall have power from time to time to adopt ordinances and resolutions, not inconsistent with the laws of the State, to carry into effect or discharge the powers and duties conferred by this act, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, order, comfort and convenience of the inhabitants of the municipality, and to enforce obedience to such ordinances by fine not exceeding one hundred dollars and by imprisonment or hard labor, not exceeding six months, one or both.

Sec. 81. The style of the ordinance of city or town shall be "Be it ordained by the city (or town) council of _____ as follows:" inserting the name of such city or town, as the case may be, and no ordinance or resolution intended to be of permanent operation shall be adopted by the council at the same meeting at which it is introduced, unless unanimous consent of those present is given for the immediate consideration of such ordinance or resolution, such consent to be shown by a vote taken by yeas and nays, and the names of the members voting to be entered upon the minutes, and no ordinance or resolution intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to said council, including the mayor of cities of less than six thousand inhabitants, and in towns, shall vote in its favor. The council shall award no contract on bids without a ye and nay vote spread upon the minutes.

No ordinance shall be amended after its passage by providing that designated words be stricken out or that designated words be inserted, or that designated words be stricken out and other words inserted in lieu thereof, but the ordinance or section or subdivision thereof amended shall be set forth in full as amended.

The council may provide for the revision and codification of its ordinances at any time it may deem proper.

Sec. 82. It may be provided by ordinance that any city or town officer elected or appointed shall receive a salary in lieu of all other compensation, and in such cases such officers shall not receive for his own use any fees or other compensation for his services as such officer, but shall collect the fees authorized by law or ordinance and pay the same into the city or town treasury.

Section 83. All employees of any city or town whose compensation is not fixed by law, shall receive such salary or fees for their services as the

Clerk; fees of. council may by ordinance from time to time prescribe. For all attested certificates and transcripts, other than orders by the council, the clerk shall be paid fees not in excess of those allowed to county officers for like services, to be accounted for in all cases as other public moneys, where such clerk receives a salary or fixed compensation.

Salary, not increased or diminished. Section 84. The fees, salary, compensation, emoluments of any officer whose election or appointment is required or authorized by this act, shall not be increased nor diminished during the term for which he shall have been elected or appointed, and no gratuitous appropriation in any case shall be made to or for the benefit of any officer or employee in addition to salary.

Record of ordinances. Section 85. All ordinances shall as soon as may be after their passage be recorded in a book kept for that purpose, and be authenticated by the signature of the clerk, and all ordinances or regulations of a general or permanent nature shall be published in some newspaper of general circulation in the city or town, but if no such newspaper is published within the limits of the corporation, such ordinances or resolutions may be published by posting copies thereof in three public places within the limits of the city or town, two of which places shall be the postoffice and the mayor's office in such city. When the ordinance is published in the newspaper it shall take effect from and after its publication, and when published by posting it shall take effect five days thereafter, except as herein otherwise provided. Immediately following the record of any ordinance the clerk shall append a certificate stating therein the time and manner of publication thereof, which certificate shall be presumptive evidence of the facts stated therein. All ordinances granting a franchise shall be published at the expense of the party or parties to whom the franchise is granted.

Section 86. Ordinances and resolutions pur-

porting to be published by authority of the council, in book or pamphlet form, shall be received as evidence of the passage and legal publication of such ordinance as of the dates mentioned or provided for therein, in all courts and places, without further proof. Published ordinances.

Section 87. Cities and towns shall have the right to establish, purchase, maintain and operate waterworks, or contract for a supply of wholesome water for its inhabitants; to establish, purchase, maintain and operate a gas or electric light works, and to contract for the furnishing of gas or electricity to the city or town and surrounding territory; to regulate the manner and rates for furnishing gas and electricity, water, after expiration of contract, and to prescribe the quality of gas or electricity furnished to the inhabitants by any person or corporation. Waterworks.
Gas or electricity.
Rates.

Section 88. The council shall have authority to prescribe fire limits in any city or town, and shall not be erected therein; they may do all things necessary to prevent conflagration and give security to the inhabitants of the city or town from fires. They shall have the authority to adopt building laws, and may employ building inspectors to see that the laws are not violated, and that the plans and specifications for buildings are not in conflict with the ordinances of the city or town, and to exact fees to be paid by the owners of property inspected; to secure the safety of persons from fire in hotels and halls and in such other buildings as may be designated by the council to have and maintain ample means of exit in case of fire, and to refuse to license and prevent the use of such buildings for such purposes until such ordinances have been complied with. The council may adopt ordinances requiring buildings to be equipped with fire escapes, when in the opinion of the council they are necessary. To condemn buildings, parts of buildings or structures dangerous to the public and prohibit the Fire limits,
building, etc.

use thereof and abate the same as a nuisance. The council may make reasonable charges for the service of plumbing and electric wiring inspection, inspection of foods and foodstuffs, meats and vegetables, and weights and measures.

Fire departments.

Section 89. Cities and towns shall have full power to maintain and operate a volunteer or paid fire department, and may do any and all things necessary to secure efficient service. The council may delegate to commissioners by ordinance the power to control and manage such fire department under such rules and regulations as the commissioners or the council may prescribe.

Sidewalk prohibitions.

Sec. 90. Cities and towns shall have the right to prohibit openings being made on the sidewalks for cellar entrances and to close the same, and may prescribe plans and specifications to be followed for such openings; if allowed, to prohibit stationary or movable stands from being placed on the sidewalks and to do any and all things necessary to secure free and ample passageway thereon, including the removal of stairways; to prohibit the erection of awnings and verandahs and signs hanging over the streets and sidewalks, and may prescribe plans and specifications therefor, if allowed; shall require the sidewalks to be kept in repair, and if not repaired by the owners of property abutting thereon, upon reasonable notice, to be determined by the council in the manner to be provided by ordinance, they may be repaired by the municipality at the owner's expense, and the amount expended shall be a lien upon the property, which with interest may be collected as taxes or assessments.

Street railroads, rules, etc.

Sec. 91. Any street railroad company, operating its railroads by steam, electric or other power, shall have the right and may be required by the council to run its cars over the tracks of any other street railroad company, in whole or in part, in said city under such rules and regulations as may be prescribed by ordinance, upon the payment by the company so using the tracks of an-

other of just compensation for the use thereof, and it shall be the duty of the council to pass such ordinances as may be necessary to carry this provision into effect. The council shall regulate the use of streets for the erection of telegraph, telephone, electric and all other systems of wires and conduits, and may require the same to be placed under ground if deemed necessary for the public convenience and safety, and generally to control and regulate the use of the streets for any and all purposes. The city council shall have power to sell, or lease in such manner as it may deem advisable, any franchise which it has power to grant, and the moneys received therefor shall be paid into the city treasury.

Section 92. Street and other railroad companies shall be required to keep their tracks in repair, using such rails as may be prescribed and shall maintain and keep in repair the streets between their rails and for eighteen inches on each side in such manner as the council may prescribe. Any public utility using the streets of the city or town shall at all times, in the manner prescribed by the council, render the use of such streets safe to vehicles and to persons, and all tracks on such street shall when required by the council be placed at any fixed grade, and changed, free of expense to the municipality, when found necessary.

Section 93. The council shall have the right to provide public scales and an inspection of weights and measures, and to provide punishment for persons, firms and corporations using fraudulent weights and measures; to alter and change the channel of any water course in the police jurisdiction of the city or town, and to erect and maintain wharves and erect buildings and other improvements upon wharves, and lease them, in periods not exceeding ten years, or to collect wharfage dues thereon; to provide for lighting, sprinkling and cleaning the streets by contract or otherwise; to establish, lay out and

Telephone,
telegraph,
electric wiring.

Street rail-
roads and rail-
roads to keep
tracks re-
paired.

Public scales.

Water course;
right to change
channel;
wharves, etc.

improve public grounds, parks and boulevards, to regulate the same and may provide music and other exhibitions for the amusement of the inhabitants.

Control of explosives.

Section 94. To regulate and control or prohibit the erection of powder magazines within the police jurisdiction of the city and to prevent explosives and dangerous substances from being stored within the city, and to regulate the manner in which explosives may be hauled or kept within the police jurisdiction; they shall have the right to compel public utility corporations, using a franchise obtained from the municipality, to render efficient service to the inhabitants thereof; to prescribe reasonable regulations for the running of cars, trains and locomotives on, or over, upon or across the streets, avenues, alleys or public places of the city; to prescribe appliances, on grade crossing for the safety of the public and to regulate and control the switching of cars on crossings or highways of the municipality.

Public utilities, efficient service of; regulation of, etc.

Damages; liability of city.

Sec. 95. No city or town shall be liable for damages for injury done to or wrong suffered by any person or corporation, unless said injury or wrong was done or suffered through the neglect, carelessness or unskillfulness of some agent, officer or employee of the municipality engaged in work therefor and while acting in the line of his duty, or unless the said injury or wrong was done or suffered through the neglect, carelessness or failure to remedy some defect in the streets, alleys, public ways or buildings after the same had been called to the attention of the council, or after the same had existed for such unreasonable length of time as to raise a presumption of knowledge of such defect on the part of the council, and whenever the city or town shall be made liable to an action for damages by reason of the unauthorized or wrongful acts, or the negligence, carelessness, or unskillfulness of any person or corporation, then such person or corporation shall

be liable to an action on the same account by the party so injured. The injured party, if he sues the municipality for damages suffered by him shall also join such other person or persons or corporation so liable as the defendant or defendants of the suit, and no judgment shall be rendered against the city or town, unless judgment is rendered against such other person or corporation so liable for such injury, except where a summons is returned not found as to a defendant or when judgment is rendered in his favor on some personal defense, and if an action be brought against the city or town alone and it is made to appear that any person or corporation ought to be joined as a defendant in the suit according to the provisions in this section, the plaintiff shall be non-suited, unless he amends by making such party or corporation a defendant if a resident of the State, but no person shall be sued jointly with the city or town who would not be liable separately irrespective of this provision. When a judgment shall be obtained against a municipality and the other party liable as aforesaid, execution shall issue against the other defendant or defendants in the ordinary form and shall not be demandable of the city or town unless the other defendants are insolvent and the same cannot be made out of their property, and the city or town shall pay only so much of the said judgment as cannot be collected out of the other defendants. If the injured party shall, before bringing the suit, demand of the mayor of such municipality the name of such other person or persons or corporation as may be liable jointly with the said municipality to such injured party, and if such mayor fail to furnish, within ten days from the making of such demand, the name of such person, or persons or corporation so jointly liable, the said injured party shall not be required to join such other person as a party defendant with said municipality in any suit brought to recover damages for such injuries.

No recovery shall be had against any city or town on a claim for personal injury received unless a sworn statement be filed with the clerk, by the party injured or his personal representative in case of his death, stating substantially the manner in which the injury was received and the day and time, and the place where the accident occurred and the damages claimed.

Powers of municipal corporations.

Sec. 96. Municipal corporations shall also have the following powers:

To regulate auctioneering and to regulate, license or prohibit the sale at auction of goods, wares and merchandise or of live domestic animals in the streets or public places of the town or city, and to regulate, license or prohibit the selling of other goods, wares, merchandise or medicines on the streets of such town or city.

License.

Sec. 97. To license any exhibition, trade, business, vocation, occupation or profession not prohibited by the constitution or laws of the State, which may be engaged in or carried on in the city or town; to fix the amount of licenses, the time for which they are to run not exceeding one year and to provide a penalty for doing business without a license, and to charge a fee of not exceeding fifty cents for issuing each license; to require sworn statements as to the amount of capital invested, or value of goods or stocks, or amounts of sales or receipts where the amount of license is made to depend upon the amount of capital invested, or value of goods or stocks or amount of sales or receipts, and to punish any person or corporation for failure or refusal to furnish sworn statements or for giving of false statements in relation thereto. The license herein authorized as to persons, firms or corporations engaged in business, in connection with the inter-state commerce, shall be confined to that portion within the limits of the State and where such person, firm or corporation has an office or transacts business in the city or town imposing the license.

The power to license herein and hereby conferred may be used in the exercise of the police power as well as for the purpose of raising revenue, one or both.

Sec. 98. To regulate and license the use of License. carts, drays, wagons, coaches, omnibuses and every description of carriages and vehicles kept for hire and to license and regulate the use of the streets of the town or city by persons who use vehicles or solicit or transact business thereon.

Sec. 99. To license, tax, regulate, restrain or License. prohibit theatrical and other amusements, billiard and pool tables, nine or ten pin alleys, box or ball alleys, shooting galleries, theatres, parks and other places of amusement, and the selling, retailing, wholesaling or giving away of spirituous, vinous or malt liquors, intoxicating bitters or beverages, when not prohibited by law; when in the opinion of the council the public good or safety demands it, to refuse to license any or all such businesses and to authorize the mayor by proclamation to cause any or all houses or places of amusement or houses or places for the sale of intoxicating liquor, or houses or places for the sale of fire arms or other deadly weapons, to be closed for a period of not longer than the next meeting of the city or town council.

The city or town council shall have the right License, re- and power to revoke and cancel any and all li- vocation of. censes issued for the sale of spirituous, vinous or malt liquors, or the license or licenses of any house of public entertainment or house or place where fire arms or other deadly weapons are kept for sale, when in their judgment of the public safety, peace, good order or decency may require it; and when the owner thereof, or person operating the same shall have been convicted of any violation of the city or town ordinances regulating such business, the council may cancel the license.

Sec. 100. That any person, firm or corporation Dealers in desiring to enter into or carry on the business as liquors. a retail dealer in spirituous, vinous or malt li-

quors, when granted permission by the council to do such business, shall take out and pay for a license either for the entire year, where the business is commenced prior to the first day of July of any year, or for half the year where the business is begun after the first day of July of any year. All license shall expire on the 31st day of December of the year for which they are issued.

License;

Sec. 101. In case the license of any business, trade, occupation or profession be taken out after the first day of July, only one-half of the license shall be charged and collected, except those subjects for which daily, weekly or monthly, quarterly, semi-annually licenses are provided.

License, transfer of.

Sec. 102. No license shall be transferred, except with the consent of the council, and no license shall be transferred more than once and never from one business to another.

License; must be had; penalties, etc.

Sec. 103. It shall be unlawful for any person, firm or corporation or agent of a firm or corporation to engage in any of the businesses or vocations in a city for which a license may be required without first having procured a license therefor, and any violation of this act or of any ordinance, passed hereunder, fixing a license shall be punishable by such fine as may be fixed by ordinance not to exceed the sum of one hundred dollars for each offense, and by imprisonment not exceeding six months, either or both at the discretion of the court trying the same, and each day shall constitute a separate offense.

License, place designated.

Sec. 104. Any person desiring to engage in any trade, business, profession or occupation for which a license is or may be required shall designate the place at which such trade or business or occupation or profession is to be carried on and the license to be issued hereunder shall designate such place and such license shall authorize the carrying on of such trade, business, occupation or profession only at the place designated unless he shall be granted permission by the council to move his place of business, trade, oc-

cupation or profession to another place in the city, and in that event such permission shall be endorsed by the clerk on such license. The same license shall be charged and collected for all portions of the city or town.

Sec. 105. Any person dealing in two or more of the articles, or engaging in two or more of the businesses, vocations, occupations or professions, for which a license is or may be required, such person, firms or corporations shall take out and pay for a license for each line of business, vocation, occupation, or profession.

Sec. 106. The council shall have power to license, and tax, permit and regulate, restrain or prohibit all kinds of amusements and all athletic games and the use of public parks and places of resort within the corporate limits and within the police jurisdiction of the several cities or town, and shall prescribe the places and the manner and the method of regulating and conducting all such amusements and games, and fix the time when all or any of the places referred to may be opened or shall be closed, not inconsistent with the laws of the State.

Sec. 107. After the 1st day of October of each year, cities and towns are authorized to levy taxes upon property and all subjects of taxation liable therefor, at a rate not in excess of the constitutional limit, upon assessments to be made by the city or town clerk, or other person designated by the council, such assessments to be made on the State assessment in the manner provided by the constitution of the State, or in the manner hereinafter authorized by law. After the assessment has been made it shall be returned to the council, which shall thereupon give ten days' notice, by publication in a newspaper published in the city or town, or if no newspaper is published in such city or town, then by posting notices in three or more public places in such city or town, that the assessment has been completed and that the council will hear and determine objections

thereto upon a day not more than thirty days from the date on which said notice was directed to be made; the council may, however, authorize such assessment to be made by a board of assessors, who when the assessment has been completed shall give a similar notice that such board will hear and determine objections to the assessment at a time and place designated in such notice, not more than thirty days thereafter. On the day set for the hearing of objections the council or board, as the case may be, shall hear such objections and correct and determine the assessment.

Taxes; when due.

After assessment taxes shall become due on the 1st day of December and delinquent on the 1st day of January following, and shall, after becoming delinquent, bear the legal rate of interest.

Assesment, judgment against property.

Sec. 108. After the assessment has been corrected by the council or board, it has the force and effect of a judgment against the property, or against the person owning the same, and after delinquency, may be enforced by an execution issued by the clerk to be levied upon the personal property of the person against whom such taxes were assessed, or against the property which was so assessed for taxation. The execution may be in form provided by the council and may be levied by the chief of police or other person designated by the council, and the property so levied upon may be sold by such officer upon notice required by law for the sale of personal property by the sheriff, at a time and place designated in the notice.

Taxes, lien upon property.

Sec. 109. Cities and towns shall have a lien for taxes upon all property assessed for taxation, which shall be superior to all other liens, except for taxes held by the State and county.

Taxes, sale of property.

The purchaser of personal property sold under an execution issued by the city or town clerk, shall receive a title clear of all encumbrances, except of liens held by the State and county.

Garnishments may be issued by justices of the

peace upon such assessments as upon judgments in such courts, for the collection of such taxes, upon affidavit being made, as in other cases by an officer of the city.

When property, other than real, is assessed to an unknown owner, the taxes due may be collected by a levy of execution upon such property and a sale thereof.

Cities and towns may provide for a personal demand of taxes due, and are authorized to make a charge therefor, not exceeding fifty cents, to be paid as costs, but such demand shall not be necessary or essential to the validity of proceedings to make collection by law.

Sec. 110. Within three months after taxes shall have become delinquent, a list shall be made out and certified by the city or town clerk, describing each piece of property separately, with the name of the owner, if known, and the amount of taxes due on such property and the amount of taxes due by such owner upon personal property, which also may be collected by a sale of the realty as for taxes due thereon. ^{Taxes, sale of property for, etc.}

Such list shall be filed with the register in chancery, or like officer of a court of the county having equity jurisdiction therein, hereinafter called register. The register shall cause to be docketed, in such court, in a well bound book kept for that purpose, a cause for each assessment of property, of the city or town against such property so assessed. Said docket shall show the amount of the taxes sought to be collected, a description of the property and the name of the owner, if known. Upon the filing of the certificate, the register is directed to issue a summons, as in chancery cases, containing a description of the property, notifying each owner of the filing of the proceedings against his property, only one summons, however, shall be necessary if two or more pieces of property are assessed to the same owner. Such summons shall forthwith be executed by the sheriff and returned to the register within ten days.

In the case of property of an unknown owner, or when the sheriff returns "Not found" after ten days, as to owners for whom he has summons, the register is directed to cause publication to be made for thirty days of the fact of the filing of such tax list, giving a list of the property assessed to owners unknown, and to persons for whom a summons has been returned by the sheriff "Not found."

If no pleading setting up a defense shall be filed by the owner of the property, within thirty days after publication has been perfected, or within thirty days after service of the notice by the sheriff, then without further proof a final decree shall be made by the chancellor or judge of such court, adjudging such property liable for such taxes and directing the register to sell such property for the payment of the taxes, charges, penalties, interests and costs, that are charged thereon, unless the amount due and costs shall have been paid to the register before the sale, such sale shall be made as in other chancery cases and need not be confirmed by the court. The chancellor or judge may consolidate cases against property assessed to the same owner, and may designate the property which shall be sold to pay the taxes, charges, interests, penalties and costs charged to all. And if any defense is made by the owner, the court shall proceed to give relief under its own rules of procedure, the certificate, however, filed in said court being prima facie evidence of the facts contained therein.

Assessment for
street im-
provements.

Sec. 111. If any assessment for street improvements, or otherwise, are due and unpaid, the amounts assessed against such property may also be certified by the city or town clerk to the register and may be collected out of the proceeds of the sale of such property, as in the case of taxes, but no sale of property by the city for taxes shall relieve the property of the lien for assessments due the city, and no sale for assessments shall relieve the property of the lien for taxes due the city, unless the same shall have been paid.

Sec. 112. All proceeds arising from sales for ^{Proceeds of} taxes, or assessments, shall be paid over by the ^{sales for taxes.} register, after deducting the costs and expenses of such cause, to the treasurer of the city or town who shall hold for the owner, upon his official bond, the surplus after deducting the amounts due the city or town, the costs in each case however, in no event, to exceed ten dollars exclusive of advertising fee.

Sec. 113. The city or town may become the ^{City may pur-} purchaser at such sale, and the officer making ^{chase.} the purchase, shall bid a sum sufficient to pay the full amounts due for taxes, assessments filed, interest and costs, and the amount due the city or town shall be allowed as a credit on such purchase.

The sale of property for taxes or assessments ^{Sale of prop-} shall not be invalid on account of the manner of ^{erty not in-} assessment for any other reason than that the ^{valid.} taxes or assessments thereon have been paid, but if for any reason the proceedings in the chancery court shall not be sufficient to pass the title, the lien of the city for taxes or assessments shall pass to the purchaser and may be enforced by him in a court of equity, or may be collected by the municipality in any other case against the same property, and if collected said sum shall be paid over to such purchaser.

Sec. 114. At any time within five years after ^{Escaped taxes.} property has escaped taxation, the council or board of assessors shall have the right to make assessments against such property for such escaped taxes, or against the person owning such property and such taxes shall be collected by certification to a court of equity as in other cases, or by the levy of execution herein provided. And for any informality or irregularity in any assessment, they shall have the right to make a reassessment against such property at any time within five years.

Sec. 115. Such persons as are authorized to ^{Redemption of} redeem property sold at State tax sales, may re-^{property.}

deem from the purchaser at any sale for municipal taxes or assessments at any time within two years after the sale, upon paying to the purchaser or to the city treasurer the amount for which the property was sold and fifteen per centum per annum and such sums as the purchaser may have paid for taxes and assessments and the interest thereon, and all sums for which such parties may have become liable, on account of taxes or assessments, to pay, by reason of owning the property together with the sum of two dollars to pay the cost of reconveyance of such property.

Upon the tender by such party offering to redeem and the payment thereof to the purchaser, or a deposit of the sum due to the purchaser with the treasurer, the deed executed by the register shall be void, and upon a refusal of the purchaser or his vendee to reconvey to the parties redeeming, the council may authorize a deed to be made to the parties redeeming, which shall convey all title of the city or the purchaser derived at such tax sale, but the interest of the owner of the property and the parties in interest redeeming shall be adjusted between the parties as are other legal and equitable interests.

The city or town may redeem property at any sale made by the State for taxes, upon the same terms as required by law for owners to redeem, and no person shall be allowed to redeem from the municipality, without paying to the city or town, the amount paid to redeem such property and all claims of the city or town thereon for taxes, assessments and penalties or otherwise, and no redemption shall be made in any case from the municipality or from a purchaser after two years from the date of the sale.

Purchasers at
tax sale, right
of possession.

Sec. 116. Purchasers at a municipal tax sale shall have the right of possession of the property so purchased and may enforce the same by an action of unlawful detainer or by an action of ejectment, and there shall be no liability to account for rents and profits to the party redeeming.

Sec. 117. Appeals superseding the decree of Appeals in the lower court may be taken to the supreme tax cases. court from any final decree in any tax case, upon the appellant entering into bond, with good and sufficient sureties, in an amount to be fixed by the chancellor or judge of the court rendering the decree, conditioned to pay the judgment of the supreme court when rendered, provided that no sureties on any bond shall be required of a city or town.

Sec. 118. If the mayor or clerk shall have Attachment reason to believe that the city or town will likely for taxes. lose taxes by the fact that a person is moving away, without paying same, at any time after assessment, whether such taxes are due or not, he shall cause attachment or garnishment proceedings to issue from the court of a justice of the peace against such person, as upon a judgment in such court, upon affidavit being made that the party is about to move from the city, and that there is danger of the city losing its taxes, whereupon the taxes are declared to be due and collectible and may be collected by the justice as in other cases.

Sec. 119. No municipality shall have the right Release from to release any person from lawful taxes or bur- taxes prohib- dens imposed by law, but this shall not prevent ited. the settlement of claims where doubt exists as to the validity or extent thereof, but all compromises shall be adopted by the council by a resolution or ordinance as of permanent operation.

Sec. 120. After the adoption of this act, courts Road and of the county commissioners and boards of reve- bridge tax; nue of the county where there is levied a special counties to pay to cities. road and bridge tax, or either, shall pay over, each year, to each municipality therein one-half of the money collected on such road and bridge tax or either, on the property located in such municipality, such sums when paid over to the municipality, shall be used exclusively for the purpose of maintaining the streets and bridges in the corporate limits of such municipality. Any

money derived from a levy of a special bridge tax not expended by the municipality in maintaining the bridges within its corporate limits, in any year, shall be returned to the board of revenue or court of county commissioners and credited to the county bridge fund for the purpose of maintaining bridges of the county outside the corporate limits of such municipality.

Road tax exemption.

Sec. 121. The inhabitants of any municipality shall be exempt from working on the roads or highways outside the limits thereof, and may be required, for the support of the streets within such limits, to pay a street tax of not exceeding five dollars per year.

Streets, improvement, construction, etc.

Sec. 122. All cities and towns, in this State, shall have power and authority to design, or cause to be designed, contract for and to execute, or cause to be executed, the construction or improvement, or the reconstruction or reimprovement of any street, avenue, alley, highway, or other public place, or any sidewalk, thereon, by filling, grading, leveling, graveling, slaging, macadamizing, curbing, guttering, paving or otherwise improving the same, in such manner and with such material as the council of such city or town may prescribe; to construct or reconstruct any drain or drains, sanitary or storm water sewer or sewers, sanitary and storm water sewer systems, either combined or separate; to lay out, establish and define storm water and sanitary districts, or either, and to provide for the drainage thereof, and to build or construct, or rebuild, or reconstruct, outlets for such sewer or sewer systems, either within or without the corporate limits, and to cause the cost and expense of all, or any part of the aforesaid work, and improvements, to be assessed against the property abutting on said street, avenue, alley, highway, or other public place so improved or drained, by said sewer or sewers, to the extent of the increased value of such property by reason of the special benefits derived from such improvements.

Sewers.

Cost against property.

Sec. 123. That the term council as herein used shall mean also a board of public works where such a city has such a board. ^{Board of public works.} Wherever the city has in addition to its council a board of public works, charged with the care, maintenance and improvement of streets, storm sewers and drains, then and in that event the powers herein declared shall be divided between said board of public works and said council in harmony with the general system of government of said city in reference to division of authority and duty between the board of public works on the one hand and the council on the other.

Sec. 124. When the council of any city or town shall determine to construct or improve any street, avenue, alley, sidewalk, highway or other public place, or to make any other improvement, or undertake any work hereinbefore authorized, the cost of which or any part thereof is proposed to be assessed against the property abutting on or drained by said improvement, it shall adopt an ordinance or resolution to that effect, describing the nature and extent of the work, the general character of the materials to be used and the location and terminal points thereof, and the streets, avenues, alleys or other highways, or parts thereof, and shall direct that full details, drawings, plans, specifications and surveys of said work and estimates be prepared by the city engineer, or such other person as may be designated in such ordinance or resolution, or the said council may adopt plans, for such work, already prepared. When the contemplated improvement is a storm water or sanitary sewer or sewers, or a storm water or sanitary sewer system, such resolution or ordinance shall establish or describe the territory, or area, to be drained by such sewer, or sewers, or sewer system, and define the same by naming the streets, avenues, alleys or other lines by which the same is bounded.

Sec. 125. Such details, drawings, plans, spec-

Improvements, plans and specifications.

ifications, surveys and estimates shall when completed be placed on file in the office of the city engineer, or other officer, designated in such ordinance or resolution, where property owners who may be affected by such improvement may see and examine the same, and the said ordinance or resolution shall appoint a time when the council will meet which will not be less than two weeks after the date of the first publication of said ordinance or resolution, to hear any objections or remonstrances that may be made to said improvements, the manner of making the same or the character of the material to be used. Said ordinance or resolution must be published once a week for two consecutive weeks in some newspaper published in said city or town, and if no newspaper is published therein, it may be published either in a newspaper of general circulation, or by posting for two weeks, in three public places in such city or town.

Improvements, objections, etc.

Sec. 126. At said meeting, or at a place and time to which the same may be adjourned, all persons whose property may be affected by the proposed improvement may appear in person or by attorney, or by petition and object or protest against said improvement, the material to be used and the manner of making the same, and the said council shall consider such objections and protests, if any, and may confirm, amend, modify or rescind the original ordinance or resolution, but if objection to the proposed improvement be made by a majority in frontage of the property owners to be affected thereby, when the proposed improvement is to be assessed against the property fronting or abutting any street, avenue or alley, or by a majority, in area of the property owners, when the proposed improvement is to be assessed against the property comprising a sewerage, drainage, or improvement district, the improvement shall not take place unless ordered by a two-thirds vote of those elected to the council. The council shall have au-

Council may confirm or amend ordinance.

thority to pay out of the general fund of the city or town, or any special fund that may be provided for that purpose, such portion of the cost of the proposed improvement as they see proper, the cost of any improvement contemplated by this act shall include the expense of the preliminary and other surveys and the inspection and superintendence of such work, printing and publishing the notices, resolutions and ordinances required, including notice of assessment, the cost of construction, preparing bonds, interest on bonds, when the bonds have been issued in anticipation of the collection of the assessment, and any other expense necessary for the completion of such improvement.

Sec. 127. Before the passage of the final resolution or ordinance to make any improvement on any street, avenue, alley or sidewalk, the cost of which or any part thereof is to be assessed to the abutting property, if the grade of such street, avenue, alley or sidewalk has not been established, or if said improvement necessitates a change of grade, the council shall by ordinance fix and establish the grade of such street, avenue, alley or sidewalk about to be improved, and also the grade of the curb on each side thereof.

Sec. 128. If the council shall finally order the making of the proposed improvement or improvements, notice shall be given asking for bids for such work, which notice shall be given in such manner, and for such time, as may be prescribed by the council, and the said municipal authorities may if a satisfactory bid be received let the contract to make such improvement or improvements, and if no satisfactory bid is received, the council may advertise for other bids, or may let the contract to a satisfactory bidder without further advertisement, or the city or town may itself construct the improvement, or furnish labor or material for the same, and said municipal authorities may by order impose further conditions upon bidders with regard to bonds and surety for

Improve-
ments, city
engineer.

the faithful completion of such work according to contract, or for any other purpose mentioned in the specifications.

Sec. 129. All work done or improvements made under the provisions of this act shall be done under the supervision of the city engineer or other superintendent appointed for that purpose by the council of such city or town. In case of any controversy or dispute, the council shall be invested with sole and exclusive power to determine whether any improvement, constructed under the supervision of this act, has been completed in accordance with the terms of the contract therefor and to accept or reject such work on the part of the municipality.

Improve-
ments, cost to
be assessed to
extent of in-
creased value
of property,
etc.

Sec. 130. If said improvement be finally ordered and constructed the council shall have power and authority, after completion and acceptance thereof, to assess the cost of constructing said improvement, or any part thereof, upon and against the property abutting on any street, avenue, alley, highway or other public place so improved or drained by such sewer or sewers to the extent of the increased value of such property by reason of the special benefits derived from such improvements. When said improvement consists of a sanitary or storm water sewer or sewers, or a sanitary or storm water sewer system the cost of any part thereof may be assessed against all the lots or parcels of land lying within the district drained, but the assessments shall not exceed the increased value of such property, by reason of the special benefits derived from the improvement. Where a street, avenue, or other highway intersections are improved, the cost of improving the intersection, or any part thereof, may be assessed against the lots or parcels of land abutting on said street, avenue, alley or other highway so intersecting for a half block in each direction; provided, however, in case of sidewalk improvements, including curbing, the costs, or any part thereof, or the improvement of a

street or avenue corner may be assessed against the lots abutting on or nearest said improvement, and the entire cost, or any part thereof, of the improvement at the intersection of any alley with a street or other highway may be assessed in fair proportion against the respective lots or parcels of land abutting or cornering on the alley at such intersection; provided, however, that in no case shall the assessment against any lot or parcel of land be greater than the increased value of such lots or parcels of land; by reason of the special benefits to be derived from such improvement. Provided, that should there be a street, electric or other railroad track, or tracks, on any street or highway improved or reimproved, under this act, the cost of such improvement, except storm water and sanitary sewers, between the tracks and the rails of the tracks, and in case there are two or more tracks, the space between such tracks and eighteen inches on each side of the track; including switches and turnouts shall be paid by the owner of the railroad, and shall be assessed against and form a lien on said railroad, and the property connected therewith, and in the event that storm water sewers are constructed which drain the streets or avenues or rights of way, on which be a street, electric or other railroad, whether the same be a continued or separate system, there shall be assessed against such railroad a fair and just proportion of the cost of construction of such sewer to be determined by the council, and such assessment shall be a lien like other assessments and may be collected in like manner, provided further, that the council may require the owners of such street railroad or other railroad to prepare or reconstruct its tracks for the receipt of such paving or other improvements in a manner satisfactory to the council.

Sec. 131. When any improvement, made under the provisions of this act, is completed, the mayor or shall cause to be prepared a roll or list showing the names of the property owners, and opposite the improvements, proceedings when completed.

site each name a description of each lot or parcel of land, proposed to be assessed for such improvement, belonging to such owner or owners and the amount proposed to be assessed against each lot or parcel of land, such list shall be entered in a well bound book prepared for that purpose and shall contain appropriate columns in which payments may be credited and the lien of the assessment satisfied by the proper officers of the municipality, said book shall be known as the assessment book for local improvements and shall be a public record. No error or mistake in regard to the name of an owner shall be held to invalidate any assessment, and it shall be sufficient if the name of the last owner, as shown by the record in the office of the probate judge of the county, is shown in said book. After the completion of the proper entries of each improvement, said book shall be delivered to the city or town clerk, who shall thereupon give notice by publication one time in some newspaper published in said municipality or of general circulation therein, that assessment roll or list has been delivered to him and is open for inspection in the office of the person authorized to make collection of said assessments, and at a time and place therein mentioned, not less than twenty days from the date of publication, the council will meet to hear and determine any objection or defense that may be filed to such assessments, or the amount thereof, said notice shall also state the general character of the improvement, the terminal points thereof and the streets, avenues, alleys or other highways, or portions thereof, along which the improvement has been constructed, and if the improvement made consists of a sanitary or storm water sewer or sanitary or storm water sewer system, said notice shall also describe the territory or area drained by said sewer or sewers, by naming the streets, avenues, alleys or other highways or other lines, by which said district is bounded. If there be a defect in said notice or

proceedings, before or subsequent to said notice, with respect to one or more interested persons, the same shall not affect said notice or proceedings, except in so far as it may touch the interest or property of such person or persons, and shall not avail any other person concerned therein. In case of such defect, supplementary proceedings of the same general character as those hereinbefore prescribed, may be had in order to supply such defect.

Sec. 132. The owner of any real estate, or any interest therein, which it is proposed to assess ^{Improve-} for the cost, or any part thereof, of said improve- ^{ments, prop-} erty owners ^{may file objec-} tion, may appear at any time on or before the date named in said notice, or at said meeting and file, in writing, with the clerk or in his office, any objections or defense to the proposed assessment against said property, or to the amount thereof, and persons who do not file objections in writing, or protest against such assessment, shall be held to have consented to the same. The council shall hear and pass upon all objections and protests to the proposed assessments, under such reasonable rules and regulations as they may adopt, and the council by the mayor or clerk or other executive officer, shall have authority to issue subpoenas for witnesses to appear before the council, or any committee thereof, and to administer oaths to the witnesses, to be examined, and at such meeting or any adjourned meeting, shall proceed by order or resolution to fix the amount of the assessment against each lot or tract of land described and included in said assessment roll, and all such assessments from the date of such order or resolution shall be and constitute a lien on the respective lots or parcels of land upon which they are levied superior to all other liens except those of the State and county for taxes. The council of such city or town shall have power and authority to transfer and assign such liens to the contractor or contractors who made said improvement, or to any other person. In addition to the

method hereinafter provided for the collection of such assessments, the chancery court or other court of like jurisdiction shall have power to enforce said liens and in all suits which may be brought to enforce said liens, either by council or its assigns, the complainant shall recover the amount of such assessments with interest thereon, and the costs of such proceedings. The enforcement by the State, county, city or town of its liens for taxes on any lot upon which has been levied an assessment for any improvement authorized by this act shall not operate to discharge or in any manner affect the lien of the municipality for said assessments, but a purchaser at a tax sale of the State, county, city or town, of any lot or parcel of land on which an assessment has been levied, shall take the same subject to said assessment. Nor shall the enforcement by the municipality of its lien for an assessment levied for one improvement by the sale of the property operate to discharge or in any way affect the lien of any other assessment for a different improvement on the same property, but the purchaser at such sale shall take subject to the lien of all other assessments and the right of the municipality to enforce the same.

Improvements, any person may appeal to circuit court, bond, etc.

Sec. 133. Any person aggrieved by the decision of the council in making any assessment may within twenty days thereafter appeal to the circuit court or any other court of like jurisdiction, upon executing a bond in double the amount of such assessment and the probable cost of the appeal. The amount of such bond shall be fixed and the sureties thereon shall be approved by the mayor and the said bond shall be conditioned to prosecute said appeal to effect and pay the city or town any judgment that the circuit court or other court may render, and all damages that any person may suffer by such appeal. Said appeal shall be docketed in said court and shall be a preferred case therein. Upon the filing with, and the approval of the appeal bond by the mayor, the clerk,

upon notice thereof, shall immediately send to the clerk of the circuit court, or other court to which the appeal may be taken, a transcript of all the proceedings of the council relating to such assessment so far as the same concerns the property of such appellant; such transcript shall contain a description of the property of such party or parties, the same to be described as accurately as may be, according to the map of the city or town in common use, if there be such map, the name of the owner or owners of such property and the amount of the assessment. Upon hearing such appeal, the introduction of such transcript and papers shall be prima facie evidence of the correctness of such assessment and that said property and persons are justly indebted to the city or town for the amount of said assessment; said cause may be tried on the record, without other pleadings, and the court shall hear all the objections of the property owner or owners to said assessment and the amount thereof, and shall determine whether or not such assessment exceeds the increased value of such property by reason of the special benefits derived from the improvement and shall render judgment accordingly. If, on the hearing of such appeal, it shall appear that by reason of any technical irregularity or defect in the proceedings the assessment has not been properly made against the lot or parcel of land sought to be charged the court may nevertheless, on application of the city or town, upon satisfactory proof that expense has been incurred, which is a proper charge against the lot or land in question, render judgment for the amount properly chargeable against said lot or land, but in such cases the court shall make such order for the payment of the costs as it may deem proper. An appeal may be taken to the supreme court of Alabama by any person interested in said property from the judgment rendered by the said court, within thirty days from the date of such judgment, upon giving bond for the cost of

appeal, or if supersedeas be desired, upon giving further bond, in such sum as the judge of said court may prescribe, payable to the city or town, with sufficient sureties to be approved by the clerk of said court, conditioned to pay such judgment, or perform such judgment as the supreme court may render in the premises, and all such costs and damages as the city or town may have sustained if the judgment is affirmed. Such appeal shall be heard upon the record and bill of exceptions reserved by the party taking such appeal setting out such evidence as may be necessary to a fair presentation of the case and must be affirmed or reversed as may seem proper to the supreme court, in the event a supersedeas bond has been given and the said case is affirmed by the supreme court it shall add to the judgment rendered by the lower court, interest thereon and ten per centum damages for delay. The city or town may also appeal from any judgment of the said circuit court, or other court without giving bond, and all appeals taken pursuant to this act shall be preferred cases in the supreme court. In the event the final judgment is rendered in favor of the city or town, exception may be issued thereon against the principal and sureties on the appeal bond, unless the amount of the judgment is paid within five days, of the date of such judgment, and the court shall by further order adjudge that the property assessed be sold to satisfy such judgment. Nothing contained in this section shall operate to release or discharge the lien on such property until the assessment is fully paid.

Sec. 134. It shall be lawful for the council, in ordering any local improvement, the cost of which or any part thereof is to be assessed against the property abutting on any street, avenue, alley, highway, or other public place so improved or area drained by such sewer or sewers, to provide that the same shall be paid in cash within thirty days after the final assessment provided that the cost of such improvement does not ex-

ceed one thousand dollars, but if the total cost of said improvement is greater than such sum, any property owner, may, at his election, to be expressed by notifying the city officials charged with the duty of collecting such assessments in writing thirty days after the assessment is made final, pay the said assessment in ten (10) equal annual installments which bear interest at not to exceed eight per centum (8%) per annum payable annually. Any person may pay the whole assessment against any lot or parcel of land within thirty days from the time the assessment is made; and he shall have the right at any installment period to pay the assessment in full, by paying the full amount of the installments, together with all accrued interest thereon, and upon the payment of an additional sum equal to 6 months interest at eight per centum (8%) per annum on the amount of said assessment so paid before maturity as a penalty; should the property owner desire to pay off the deferred installments between the dates on which they are due, he shall pay interest on same until the succeeding installment period, and together with the penalty above described. The first installment shall be payable within thirty days after the assessment is made final, and all assessments or installments thereof shall be payable at the office of the clerk, tax collector or treasurer of the city or town, as the council may prescribe, and all assessments or installments thereof shall bear interest at not exceeding eight per centum (8%) per annum after the expiration of thirty days from the date on which the same is made final, which interest shall be due and payable at the time and place the assessment or installment is due and payable. In all cases where the property owner does not elect to pay in installments, or having elected to pay in installments, fails to pay the first installment in thirty days from the date of assessment, he shall be held to have waived the right to pay in installments, and the entire assessment shall at

the expiration of said thirty days become due and payable.

Improve-
ments, failure
to pay assess-
ment or in-
stallments, etc.

Sec. 135. If the property owner who has not elected to pay his installments, fails to pay his assessment within thirty days or having elected to pay in installments, fails to pay the first installment in thirty days from the date of the assessment or make default in the payment of any annual installment, or the interest thereon, the whole of such assessment shall immediately become due and payable, and the officer designated by the council to collect such assessment shall proceed to sell the property against which the assessment is made, to the highest bidder for cash, but he shall first give notice by publication once a week for three consecutive weeks in some newspaper published in the city or town of general circulation therein, the date and time of such sale, and the purpose for which same is made together with a description of the property to be sold. But any property owner, notwithstanding his default, may pay the assessment with interest and all costs, if tendered before the sale of the property. The cost of such advertisement and sale shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale. And the officer making such sale shall execute a deed to the purchaser which shall convey all the right, title and interest which the party against whose property the assessment was made, had or held in said property at the date of making such assessment, or of the date of making such sale. Any surplus arising from such sale shall be paid into the city treasury to be kept as a surplus fund by the treasurer for the owner upon the responsibility of his official bond. The council may by its agent purchase real estate sold as provided under this section and in the event of such purchase, the deed for same shall be made to the town or city. Such property may be redeemed by the owner, or his assigns, or other person authorized to redeem property sold for

taxes by the State of Alabama, within two years from the date of the sale, by paying to the purchaser, or the city treasurer for him, the amount for which the property was sold with interest thereon at the rate of fifteen per centum (15%) per annum from the date of sale, together with a fee of two dollars for the expense of a conveyance. No mistake in said publication in the description of the property, or the name of the owner, shall vitiate the assessment or the lien and if for any reason the sale made by the city or town shall be ineffectual to pass title, it shall operate as an assignment of the lien, and upon the request of the purchaser supplementary proceedings of the same general character, as herein required, may be had to correct the error in said proceedings for his benefit, or the lien so assigned to him may be enforced in equity.

Sec. 136. For the purpose of providing funds to pay the cost of any improvement authorized to be made under the provisions of this act, the council of any city or town, may, before the contract is let for such improvements, issue bonds within the limitations prescribed by the constitution, in such amount as may be necessary, not to exceed the total cost of the improvement as estimated by the engineer, or other person appointed by the city or town to make the preliminary surveys and estimates for such improvements; provided, however, that the council may borrow money on the faith and credit of the city or town, executing a note of the city or town therefor, and pledging as security for such loan the proceeds of the proposed assessments, to be thereafter made as provided in this act, and such sum or sums so borrowed, the mayor and aldermen may advance for the construction of such improvements and after the completion thereof and upon the expiration of thirty days after the assessment for the cost of such improvement shall have been made final, the mayor and aldermen may then issue and sell bonds for such amount

Improve-
ments, bonds
for.

Council may
borrow
money.

Improve-
ments, bonds.

as may be necessary after deducting the amount paid by property owners to pay the cost of said improvements including such amounts as may have been borrowed for the purpose and all interest and other expenses incurred for the construction of said improvement.

Sec. 137. Said bonds shall be negotiable and payable to bearer and may be payable in lawful money or gold coin of the United States as the council may prescribe and by the ordinance providing for the issuance of such bonds, full provisions shall be made for their form and character, and said bonds shall have coupons attached to represent the interest thereon, and the council may provide that such bonds be changed from coupon to registered bonds or vice versa. Said bonds shall be in such denomination as the council may direct, not to exceed one thousand dollars and not less than fifty dollars each. They shall bear interest at not to exceed eight per centum (8%) payable annually or semi-annually, at such place or places as may be designated therein. They shall be issued under the corporate seal of the city or town and shall be signed by the mayor and treasurer thereof, and shall be disposed of at not less than par, but the council may provide in the ordinance or resolution ordering the construction of any improvement or by subsequent order, that the bonds to be hereafter issued to pay for such improvements may, upon the completion and acceptance of such work, be issued to the contractor at not less than par, in payment or part payment of the contract price for such work. The said bonds shall be payable ten years from their date, but any bond or bonds so issued and sold shall, at the option of the city or town be payable at any interest period, but in the event the city or town should elect to pay off any such bond or bonds before maturity, it shall pay as a bonus to the holder thereof a sum equal to one-half the annual interest thereon, and the city or town shall give

public notice of its intention to redeem the said bond or bonds, describing the same by number and series, by publication once a week for three consecutive weeks in a newspaper published in said city or town of general circulation therein.

Sec. 138. Any city or town having a population of less than six thousand and not excepted from the provisions of the constitution prescribing the limit of indebtedness which may be incurred by cities and towns of less than six thousand inhabitants and having an existing indebtedness of such amount as would preclude such city or town from issuing improvement bonds of the character above described may, notwithstanding such indebtedness, issue such bonds, but the same shall be a lien or charge only against the property improved, and against the funds collected from the assessments levied against the property improved, and shall not be the general obligation of the city or town, nor shall such city or town be, in any way, liable to the holders of such bonds in case of failure to collect the same. Such last described bonds, when issued shall convey and transfer to the owners thereof, all right, title and interest in and to the assessments and the liens upon the respective lots or parcels of ground herein provided for, which liens and assessments shall stand as security for such bonds and coupons until they are paid, with full power in the holder of such bonds or coupons to enforce the collection thereof by foreclosure in any court of competent jurisdiction provided that the first bond or coupon holder who institutes a foreclosure suit in any court against the property assessed, shall only be entitled to have the proceeds of said suit applied pro rata to the payment of his own bonds and the bonds held by others, so that not more than one foreclosure suit shall be brought against any one lot or parcel of land.

Sec. 139. The proceeds from the sale of bonds authorized to be issued by this act shall be applied only to the payment of the cost of the im-

Bonds, cities of less than 6,000 may issue.

Bonds, proceeds from sale of; how applied.

provement designated in the ordinance providing for their issue, but should there be any surplus from any bonds issued over and above such cost, it may be applied to the cost of other improvements, the cost of which shall be assessed and collected as herein provided for.

Power and authority of council in re sidewalks not affected.

Sec. 140. Nothing in this act shall be construed as to take from the council of any city or town or in any manner affect the power and authority to compel the property owners by penal ordinance or otherwise to repair the sidewalks in front of their property in such manner and with such material as may be directed under the supervision of the engineer, or other officer or agent of the city or town, or to cause such repairs to be made at the expense of the property owner, such expense to be collected as in the case of taxes.

Council may acquire by condemnation.

Sec. 141. Whenever in the judgment of the council it may be necessary or expedient for the carrying out and full exercise of the powers hereby granted, such council shall have full power and authority to acquire by purchase or condemnation the necessary lands or rights or easements, or interests therein, thereunder and thereover and may proceed to condemn the same in the manner provided herein or by the general laws of the State governing the taking of lands or the acquiring of an interest therein for the uses for which private property may be taken, in which case such proceedings shall be governed in every respect as the general laws of the State pertaining thereto.

Cities and towns, powers of.

Sec. 142. In addition to the powers hereinbefore granted to them, all cities and towns of this State, shall have the following powers, and the councils of such cities and towns may provide by ordinance, or resolution, for the exercise or enforcement of the same:

Disease, prevention of.

To prevent the introduction of contagious, infectious or pestilential diseases into such cities or towns; to establish and regulate a sufficient

quarantine not inconsistent with the laws of the State in the towns and cities and within the police jurisdiction thereof, and to punish any breach of quarantine law; to adopt such ordinances and regulations as the council may deem necessary to insure a good sanitary condition in public places or in private premises in the cities and towns, and to prescribe the duties and fix the salaries and compensation for such health officials as they may deem necessary.

Sec. 143. To aid, establish, set up and regulate hospitals, poor houses, work houses, houses of correction and pest houses, anywhere in the county in which the city or town is situated, and cause persons inflicted with contagious, infectious or pestilential diseases to be removed to such hospitals or pest houses as may be provided for the purpose, and to cause persons who have been exposed to such diseases or any of them to be removed to some suitable place of detention and detained for a reasonable length of time. Hospitals, etc.

Sec. 144. To prevent injury or annoyance from any thing dangerous or offensive, or unwholesome, and to cause all nuisance to be abated and assess the cost of abating the same against the person creating or maintaining the same. Nuisances.

Sec. 145. To establish, regulate and control markets and market houses and to require and provide for the proper inspection of food products and articles offered for sale or barter within the police jurisdiction of the city or town, and for the punishment of persons or corporations offering for sale unsound or unwholesome articles in markets or other places in the city or town, or within the police jurisdiction thereof; to inspect all dairies and the products of the same in the county in which the city or town or any part thereof is located, the owner of which sells or disposes of milk or butter in such city or town, and to regulate the same, and the council may fix and prescribe the payment of a reasonable fee for such inspection; such council shall have the power. Markets, control of. Dairies, inspection, fees.

Meats, vegetables, etc., sale of.

Public wells and cisterns.

Gutters.

Slaughter houses, sale of fresh meats, fees, etc.

Crematories, garbage.

er to regulate the sale of meats, vegetables, fruits and other articles, and to prescribe the localities and houses in which same may be sold.

Sec. 146. To construct, repair and regulate public wells and cisterns and to compel the screening of all wells, cisterns and other places, in the city or town, in which water is collected where mosquitoes or insects of like kind are apt to propagate; to compel the proper setting of gutters so as to prevent stagnant water therein, and to require weeds to be cut or other things or conditions favorable to the harboring of such insects to be abated, or to do such work at the expense of the owner, the same to be a lien on the property, to be collected as any other debts are collected, or liens enforced.

Sec. 147. To establish, control and regulate slaughter houses and pens and to confine the same to a specified limit in or outside of the city or town, or prohibit the same within the police jurisdiction of the city or town, and to regulate the sale of fresh meats within the city or town whether butchered therein or not, and to establish a system of inspecting such slaughter houses and such meats, either before or after the same is butchered and to prohibit the sale of such meats after the same is condemned, and provide for the disposition thereof; to provide for the weighing and herding, outside of the city or town, of all live stock intended for slaughter, and to fix, regulate and collect reasonable fees and charges to pay the expenses of carrying out the powers granted in this subdivision.

Sec. 148. To establish and maintain crematories for the destruction of garbage and like substances, either within or without the city limits, and to haul or cause to be hauled to such crematories, trash and garbage of all kinds and cause the destruction of the same therein and to fix and collect such reasonable fees as may be necessary to carry out the provisions of this subdivision.

Sec. 149. To establish or build drains, and

may require private or public premises to be connected with the sewer system for proper drainage or sanitation and to regulate the manner of connection therewith; to adopt and enforce all such laws, ordinances, and resolutions, necessary to compel the owners of real property to ditch and drain the same at such owner's expense, and to punish any neglect of such owner or person in charge of said lots or property. And on failure of the owner after ten day's notice so to do, the city or town may ditch and drain such premises at the expense of such owner, the same to be a lien on such property to be collected as other debts are collected or liens enforced. The notice required herein shall be by personal service or by posting a notice on the premises.

Sec. 150. To own, regulate and improve, to lay out and control town or city cemeteries and permit addition thereto and the establishment of new ones, either within or without the town or city limits, and to sell burial lots in the same; and to regulate or prohibit the establishment or use of private cemeteries within the police jurisdiction of a city or town elsewhere than in the city or town cemeteries.

Sec. 151. To regulate and prevent the running at large on the streets, of all horses, mules, cows, hogs, dogs or other animals, and to pass all laws necessary for the impounding and sale of such animals, and destruction of dogs; to regulate and prohibit the driving of live stock in droves through the streets of a city or town.

Sec. 152. To prescribe the location and manner in which drainage from private premises may be disposed of and to prescribe the manner in which plumbing shall be constructed and to forbid the use of the same while out of order or defective and may discontinue or forbid the use of sinks, pits, dry wells and surface closets and may regulate and compel the connection of private or public premises with the sewer system of the town or city, and the council shall have the

power to punish the owner of any property who shall fail to make such connection, after ten days' notice to so do, and to prevent the lease, rental or use of any property after notice that such connections have been required until the same shall have been made. If such owner fail or refuse, after ten days' notice, to make the connection, the town or city may cause the same to be made, at such owner's expense and the cost thereof shall be a lien on such property, prior to all other liens, except for taxes, and the same may be collected as other debts are collected or liens enforced. The notice to make the connection provided for in this section must be given in writing to the owner, agent occupant of the premises.

Jails, morgues, etc.

Sec. 153. To establish, erect, maintain and regulate jails, morgues, houses of refuge, station houses and prisons, public baths and bath houses; to own, establish, maintain and regulate public hospitals and to purchase and provide for any and all things which may be deemed advisable or necessary thereto, and to receive donations and bequests of property or money in trust or otherwise, for the exercise of all such powers, rights and duties incident to the same.

Police jurisdiction over lands purchased.

Sec. 154. To exercise police jurisdiction over all lands purchased or required by the city or town for the purpose of being used or occupied as a hospital, quarantine station, poor house, pest house, work house, or house of correction, school house, sanitary or storm water sewers, rights of way, cemeteries and parks, and the laws and ordinances of the cities and towns shall apply to and extend over all the lands so used or occupied and the inhabitants thereof.

Ordinances to prevent spread of disease.

Sec. 155. To adopt all necessary ordinances and enforce the same to prevent the introduction or spread of contagious, infectious or pestilential diseases in the cities or towns and to that end may provide for a system of compulsory vaccination and enforcement of the same.

Sec. 156. To maintain the health and cleanliness of the city or town and to this end to adopt ^{Health, sewerage.} and maintain an efficient system of sewerage; to build and construct underground sewers through private or public property, anywhere in said city or town or the police jurisdiction thereof, and where the same is constructed through private property, to pay the owner thereof, such damage, if any, as will thereby be done to such property. And the city or town may, when necessary, acquire the necessary rights and easements by condemnation, in the manner prescribed by the constitution and laws of the State, or the condemnation of lands for public uses.

To restrain and prohibit gaming, and the keeping of gambling houses or tables, and may, by ordinance, authorize the police to enter such house or part thereof, seize all gambling implements, and arrest all persons therein, whenever any reputable person shall make affidavit that he has good cause to believe and does believe that any house is being kept for the purpose of carrying on gambling therein. ^{Prohibit gaming.}

Sec. 157. To extend or alter the system of sewerage, and extend the mains wherever in the opinion of the city or town council it may be necessary or expedient to do so, and to extend the mains to any point in the county in which it is situated, and for these purposes, the said city or town council shall have and exercise the full rights of eminent domain, and may acquire such lands or easements therein and the uses of such waterways as may be necessary, by the proceedings provided by law for acquiring private property for public uses. ^{Sewerage, extend or alter.}

Sec. 158. To regulate water closets and the construction thereof, and to compel the installation of the same and connection with the sewerage systems of the city or town, and in case of a failure to install or connect, after reasonable notice, then the city or town shall install proper ^{Water closets, regulation of.}

water closets and connect the same with the sewerage system of the city or town at the expense of the owner, the cost thereof to be a lien upon the property to be collected as any other debts are collected or liens enforced.

Houses of prostitution.

Sec. 159. The council shall have the power to prohibit houses of prostitution and to punish the inmates thereof as vagrants or otherwise.

Impure foods; sale of prohibited.

Sec. 160. To prohibit and prevent the gift, barter, sale or display of impure or adulterated foods and drinks of diseased or unsound meats, or decayed fruits or vegetables, or impure, adulterated, unsound or unwholesome articles of food or drink of any kind and to provide all such inspection laws, as may be deemed advisable or necessary and to prescribe and require the payment of all such reasonable fees, as may be necessary to defray the expenses of carrying out the powers granted in this subdivision.

County board of health, duties of.

Sec. 161. It shall be the duty of the board of health of the several counties of the State, to supervise the administration of the health laws of the various cities and towns, and to that end they shall elect a city health officer for each city of their respective counties having a population of six thousand or more. The election of such health officer to be subject to the approval of the city council for which he is elected. Such city health officer shall be a qualified physician of good standing and a resident of the city or town for which he is so elected and he shall be responsible for the proper execution of all laws, ordinances and regulations of the said city, pertaining to the health and sanitation of the same.

Health officers, cities, towns of less than 6,000.

Sec. 162. In cities and towns having a population of less than six thousand, a city health officer, possessing the same qualifications and vested with the same authority and power, as city health officers in cities of six thousand and more

population may be appointed by the mayor of such city or town, and his appointment approved by the city or town council, or he may be elected by the county board of health, as may be provided by ordinance adopted by such city or town, in which last mentioned case his election must also be approved by the city or town council.

Sec. 163. Said city health officer shall be ^{Health officer, how elected, etc.} elected or appointed, as soon as practicable after the municipal election held in the year 1908, and every two years thereafter, and such election or appointment shall be acted on by the city or town council at the first regular meeting after his election or appointment or as soon thereafter as is possible. Should the selection of the city health officer not meet with the approval of the council and be rejected by it, then such county board of health, or mayor, as the case may be, shall immediately select, in the manner herein provided for, some other person as city health officer and send his name into the town or city council, without delay and such election shall be acted on by the said council at the next regular meeting thereafter and so on until a city health officer is selected and confirmed. The city health officer so selected and confirmed shall hold office until the next regular municipal election thereafter and until his successor is elected or appointed and qualified, and he shall perform all of the duties required of him by law and shall have all of the powers and authority granted to him by the city ordinances or State laws.

Sec. 164. The city health officer may, subject ^{Assistant Health Officer.} to the approval of the city or town council, with its consent, appoint an assistant health officer or officers, and may, on like approval, remove said assistants at pleasure. Such assistant health officers shall perform such duties and have such powers and authority as may be conferred on them by ordinance.

The salaries of the city health officers and

Health officers, salary of.

their assistants shall be fixed by the ordinance of the council, at the first regular meeting and prior to the selection of such health officer and assistants, and such salaries shall not be increased or diminished during the term for which said health officers or assistants are elected or appointed.

Power to acquire property.

Sec. 165. Whenever, in the judgment of the council of a city or town, it may be necessary or expedient for the carrying out and full exercise of any power granted by this act, the said town or city shall have full power and authority to acquire by purchase the necessary lands, or rights, easements, or interests therein, thereunder or thereover, or for the purposes for which private property may be acquired by condemnation, may proceed to condemn the same in the manner provided by this act, or by the general laws of this State governing the taking of lands or the acquiring of interests therein for the uses for which private property may be taken, and such proceedings shall be governed in every respect by the general laws of this State pertaining thereto, or by the provisions of the subject contained in this act, when the same are followed.

Rights of way, etc.

Sec. 166. Whenever, in the opinion of the council, a right of way through the lands of others (whether in or out of the city or town) is necessary for obtaining a water supply or for sewerage or drainage purposes, and whenever the council may determine to change the grade of any street, sidewalk or public place, and whenever any property is needed for any city or town purpose the council shall authorize the mayor to attempt to acquire such right by purchase from the owner or owners thereof, and in case of failure, to acquire the same by condemnation. Whenever the proprietor or proprietors, or any of them, of any of the land necessary for any of the purposes aforesaid, or necessary for opening new streets or widening old streets, and the mayor cannot agree on a price of said lands, or cannot agree as to the amount to be paid for changing

the grade of any street, sidewalk or public place, and whenever the proprietor or proprietors thereof shall be an infant, non compos mentis, married woman, non resident, or persons unknown, then the mayor shall apply to the clerk of the circuit or other court of like jurisdiction of the county for a writ ad quod damnum to be directed to the sheriff of the county, commanding him to summon three freeholders of the county, to appear before the sheriff on the day named, not less than two days from the date of the writ, and to proceed under his direction to assess a value of the lands of such proprietor for the use thereof, or the damage or injury which may be done to any property by the change in the grade of any street, sidewalk or public place named in the application for the writ, and in the writ which shall describe the lands required for the use of the city or town, the use for which the said lands are desired, the grade intended (in case of change desired in grade of any street, sidewalk or public place) and the name of the owners respectively, if known, and the said person thus selected shall be sworn by the sheriff to faithfully perform their duty under such writ and after viewing the premises render a verdict, which verdict shall be endorsed on the writ by them and shall assess the damages to each proprietor severally. The sheriff shall thereupon return the writ so endorsed to the clerk of such court, and the verdict so rendered shall be entered on the records of the court of the next term thereof after its return, unless an appeal shall have been taken, in the manner hereinafter prescribed. The same jury may render a verdict upon all matters contained in the same application. On the return of the verdict and the payment to the clerk of the damages assessed the land so assessed shall inure to the public use, for the use specified in the application, and the council may take the property condemned or proceed to change the grade of any such street, sidewalk or public place, unless the

council or some proprietor or proprietors shall, within thirty days, take an appeal to the circuit court or other court of like jurisdiction of the county, by filing a written notice of appeal, a copy of which shall be served on the opposite party or his attorney, and on such appeal being taken the assessment of damages shall be tried in such court de novo, and upon such trial either party may demand a jury. On the suing out of a writ, the mayor shall pay to the clerk of such court three dollars for his fees, two dollars per day for each juror on the preliminary assessment and three dollars for the sheriff, to be paid by a warrant drawn by the city or town clerk on the order of the mayor. And when any owner of lands, which lands or the use thereof are desired for the city or town, or for any of the purposes mentioned in this section, is an infant, non compos mentis, married woman, non resident or unknown, the clerk of such court must give notice of the filing of such application by publishing for three successive weeks in some newspaper published in said city or town before he issues his writ to the sheriff; and all other cases five days notice of the filing of the writ shall be given by the clerk of the court to the owners of the property, to be served by the sheriff personally or by leaving a copy thereof at the owners residence or place of business, and the mayor of such city or town must deposit with the clerk the advertising fee to be paid by warrant drawn by the city or town clerk on an order of the mayor, as other warrants are drawn.

Appeal from
assessment.

Sec. 167. When an appeal is taken from any preliminary assessment as herein provided for, such appeal shall not deprive the municipal corporation obtaining the judgment of condemnation from a right of entry for any or all of the purposes herein provided, the amount of damages assessed shall have been paid into court, in money, and a bond shall have been given in not less than double the amount of damages assessed,

with good and sufficient sureties, to be approved by the clerk of the court to which the appeal is taken, conditioned to pay such damages as the owner of the property may sustain.

Sec. 168. Cities and towns shall have power ^{Public schools.} to establish, maintain and regulate public schools in which children from seven to twenty-one years of age, bona fide residents of and living within the corporate limits of such city or town, shall be entitled to admission; and non residents shall be admitted on such terms as the board of education may prescribe, and separate schools shall be provided for children of African descent.

Sec. 169. In cities having a population of six ^{Board of edu-} thousand or more, the management and control ^{cation, cities} of the public schools therein shall be vested in a ^{of 6,000 or} board of education, which shall be composed of ^{more.} five members, who shall serve without compensation, and shall be qualified electors and residents of the respective cities and who shall not be members of the city council. At the first regular meeting of the council in April, or as soon thereafter as may be practicable, at any regular meeting, the council shall elect the members of the board of education, whose terms of office respectively shall be one, two, three, four and five years. Annually thereafter at the first regular meeting in April, or as soon thereafter as may be practicable, at a regular meeting, the council shall elect a member, whose term of office shall be five years, to succeed the member of the board of education whose term expires that year. In the event of a vacancy in the membership of the board, by resignation or otherwise, the fact shall be reported to the city council by the board, and the council shall elect a person to fill such vacancy for the unexpired term.

Sec. 170. At its first regular meeting in May, ^{Board of edu-} after the election of said board, or as soon thereafter ^{cation, duties} as practicable, and annually thereafter, the ^{of.} board shall elect from its membership a president and vice-president. It shall also elect a

clerk, who need not be a member of the board, and may fix his compensation. The vice-president shall perform the duties of the president only when the president may be absent from the city or unable to perform his duties. The board may fill any vacancy occurring, from any cause, in any of the offices mentioned in this section.

School prop-
erty.

Sec. 171. All property real and personal, and mixed, now held or hereafter acquired for school purposes, shall be held in trust for the use of the public schools of the city or town, and no sale or purchase of real estate shall be made by any other than the city council, of such city or town.

Board of edu-
cation, powers
as purchasers.

The board of education shall have full and exclusive power, within the limits of the revenue appropriated for such purpose or accruing to the use of the public schools to purchase fixtures, furniture, apparatus, libraries, fuel and supplies for the use of the schools, and to sell the same, and to make expenditures for the maintenance and repair of the school ground, buildings and other property, to establish and build new schools, when sites have been provided by the city council, and to superintend the erection thereof, to make additions, alterations, and repairs to the buildings and other property devoted to school uses, and to make necessary and proper regulations, contracts and agreements in relation to such matters. All such contracts shall inure to the benefit of the public schools, and any suit at law or in equity, brought upon them, and for the recovery and protection of money and property belonging to and used by the public schools, or for damages, shall be brought by and in the name of the city.

Estimate of
money re-
quired for pub-
lic schools.

Sec. 172. Each year the board of education shall make an estimate in detail of the amount of money required for the proper support and maintenance of the public schools during the next ensuing scholastic year, which shall be submitted to the city council, and it shall be the duty of the city council to make annual appropriations

for the support and maintenance of the schools that it may deem necessary and proper in view of all other needs of the government of the city and of the expected revenues from taxes and otherwise. Money so appropriated and all money received from the school fund of the State, poll taxes, the sale of school property, the sale of bonds for school purposes and from any other source whatever for school purposes shall be held by the treasurer of the city as a special fund or funds for school purposes, and it shall be paid out by him on warrants drawn by the clerk of the board and countersigned by the president, or vice-president, when acting as president of the board of education, and by the clerk of the city, and not otherwise, and no warrant shall be drawn unless in pursuance of a resolution of the board of education entered upon its minutes.

Sec. 173. The board of education shall have full control of the public schools of the city or town. It shall have power to establish schools, to discontinue any school, to consolidate schools, to prescribe courses of study and books to be used, not in conflict with the general law in reference to text books, to divide the city into school divisions as circumstances may require, to employ teachers and a superintendent of schools and necessary employes and to fix their salaries and wages, to establish and maintain high school and prescribe rules for the expulsion of pupils, to expel any pupil guilty of gross disobedience or willful misconduct, to dismiss any superintendent, teacher or employee, when in its opinion the interests of the schools require it, and generally to have and exercise all rights, powers and authority required for the management of a system of public schools. It shall be the duty of the board of education to examine, or cause to be examined, all persons, at times and places fixed by it, offering as candidates for teacher's places, and when found qualified to give them certificates of qualification gratuitously, to grant diplomas,

Board of Education; control of public schools.

without charge to graduates of the high schools, to visit all schools as often as once a month, to establish and uniformly enforce proper rules and regulations, to inquire into the performance of their duties by the teachers and superintendent, and into the progress of the pupils; and to prepare and submit to the city council an annual report showing the operation of the schools for the past scholastic year, and suggesting their needs for the future.

Supt. of schools, how elected, etc.

Sec. 174. It shall be the duty of the board of education to elect a superintendent of schools, fix his term of office and salary, and prescribe his powers and duties. The superintendent shall be required to give bond for the faithful performance of his duties, which shall be payable to said city, in a sum to be fixed by the board, not less than three thousand dollars, with surety or sureties to be approved by the president of the board, the bond to be filed with the clerk of the city or town. The superintendent may be elected clerk of the board of education, and if so elected his bond shall stand as security for the faithful performance of his duties as clerk, as well as superintendent, however conditioned. It shall be the duty of the clerk of the board of education to keep full and correct detail account of all money received and expended. The superintendent shall attend to the taking of the school census, which shall be taken in the month of April of each odd year, and it shall be his duty to make complete and accurate reports of the same to the superintendent of education of the State.

Board of education, cities and towns of less than 6,000.

Sec. 175. Towns having a population of more than one thousand and cities having a population of less than six thousand shall have a board of education to consist of five members which shall be elected by the council at its first meeting in April, 1909, or as soon thereafter as may be practicable, and every two years thereafter. The members of said board shall be qualified electors and shall serve without compensation. As soon

after the election as practicable, said board shall organize by electing one of their number president, and shall also elect one of their number secretary of said board. And said board shall have all the powers and be vested with all the authority in relation to public schools as boards of education in cities of six thousand or more population.

In towns of one thousand population or less the management and control of the public schools therein shall be vested in a board of education to consist of five members, who shall have all the powers and be vested with all the authority in relation to such public schools as boards of education in cities. Said board of education shall be elected by the qualified electors of the town at the first regular municipal election held under the provisions of this act and bi-ennially thereafter.

Board of education, towns of 1,000 or less.

Sec. 176. Each incorporated city or town, as a special school district, or embraced therein shall receive its proportionate share of the public school revenue to be paid over by the State superintendent of education direct to the city treasurer and by him paid over to the treasurer.

Separate districts, State funds.

Sec. 177. The provisions of this act, relative to public school systems shall not apply to cities and towns in counties now having, by law, a combined city and county school system operated under a single board of education, or where the members of the board hold office for life.

Act does not apply.

That where, by any provision of law, any certain or definite percentage of the revenue of any city or town from licenses or taxes, either or both, is required to be used for the maintenance of its public schools, then such provisions shall be unaffected by this act and shall be and remain in full force and effect.

Sec. 178. Cities and towns shall have the right to establish and maintain or aid in establishing.

Public libraries.

Police commission, election of, etc.

lishing and maintaining public libraries, either separately or in connection with the public schools.

Sec. 179. In all cities of 25,000 or more population, there is hereby established a commission to be called "The Police Commission" and to be composed of three commissioners, the mayor of the city to be a commissioner and chairman of the board and two other commissioners to be elected by the people at the next regular election held for the election of city officers, there shall be elected two commissioners, one for the term of two years and one for the term of four years, and until their successors are elected and qualified, and on the expiration of these terms their successors shall be elected for the term of four years. No person shall be eligible to hold the office of police commissioner, except a qualified elector of the State of Alabama, over twenty-five years of age and a resident of the city at the time of his election and during his term of office. Nor shall any officer or employee of the municipality or of the State or county be eligible to hold said office. Before entering upon the discharge of the duties of the office, every commissioner shall take the oath of office prescribed by the constitution and laws of Alabama, and may be removed from office for the same causes and in the same manner as justices of the peace are now removed for misconduct.

Police commission, powers, etc.

The police commission shall have exclusive power and authority to appoint and qualify all of the policemen and police officers of the city, and supervise and control them in the execution of the laws and shall have power to suspend or remove any police officer or policeman for any neglect of duty or failure to execute any process from any court, or to arrest any person found violating any law of the State, or of the municipality, or who commits an act involving moral turpitude, or is given to habitual use of intoxicating liquors, or found under the influence of intoxicants of any kind while on duty.

"The Police Commission" shall keep a record of their proceedings which may be kept by one of their number, or by a secretary elected by them, and in case they elect a secretary they shall have the power to fix his compensation and his term of service and remove him at will. The record of minutes of their proceedings shall be open to the inspection of the public.

"The Police Commission" shall prescribe rules and regulations for the government of the policemen and officers and for preferring charges against any police officer or policeman, and for the trial of such charges, and shall have power to summon witnesses to attend before them on any hearing, and shall have power to punish witnesses or any other person who commits any contempt in their hearing or presence the same as circuit courts now have. Every police commissioner shall have the authority to administer oaths and take affidavits. Any police commissioner who votes for any order suspending or modifying any law of the State, or of the municipality, or who gives any order suspending or modifying any law of the State or of the municipality, or who gives any order to any policeman or officer not to enforce the law, or arrest any person found violating any law, or ordinance, or who knows of any violation of the laws, ordinance or rules by a police officer, or policeman, or failure to perform his duty, and fails to report the same immediately to the commission, is guilty of a misdemeanor and must on conviction be fined not less than \$500.00 and must also be sentenced to hard labor for not less than three or more than six months.

Sec. 180. In cities of twenty-five thousand or more there may be a board known as the board of public works, which shall consist of the mayor and four other members, to be elected first by the council and thereafter by the qualified electors of the city, in the manner hereinafter provided. At the first general election held in

Board of public works, election of, etc.

said city, or any subsequent election, under the provisions of this act, upon a petition of two hundred qualified electors, the question of "Board of public works" and "No board of public works" shall be submitted to the qualified electors of said city. If a majority of the votes cast at such election be for "No Board of Public works," then there shall be no such board, and if there be any such board in such city the same is thereby abolished until an election shall be held at a regular biennial election which shall decide "For a Board of Public works," and no election shall be held on this question except at the regular biennial election held for city offices. If at any general election held in said city, under the provisions of this act, a majority of the qualified electors of said city shall vote "For Board of Public Works" then such board is established for said city, and the same shall not be vacated, until it is done at an election held for that purpose at a regular city election.

Council may
abolish.

The council, prior to the general municipal election to be held in September, 1908, may, by a vote of two thirds of the members elected to the council, by ordinance, abolish any board of public works now existing—at such election; however, in cities now having a board of public works, the question of board of public works or no board of public works shall be presented to the qualified electors of such city.

Council to fill
membership.

Immediately after an election is held in any city establishing a board of public works, the city council shall fill the membership of such board by appointing four members thereof, two of whom shall hold office for a term of two years and the other two for a term of four years, and the said council shall, at the time of such election, designate the terms for which each member is elected. Should any city have a board and the majority vote be for a board of public works then the council shall elect a sufficient number of members to complete the membership of the

board and vacancies occurring thereafter shall be filled as herein provided.

The four members here provided for, together with the mayor of the city shall constitute the board of public works for such city and shall hold their offices until their terms shall have expired and until their successors shall have been elected and qualified.

Biennially thereafter at the general election held for city officers, there shall be elected by the qualified electors of the city two members of the board of public works, who shall each hold office for four years and until their successors shall be elected and qualified, or until such board shall have been abolished in the manner herein provided for.

No person shall be eligible to membership on said board who holds a federal office, State or county office or is an officer of the city, other than the mayor, or an employee thereof, or is a member of the council, or within six months after the expiration of his term therein. Nor shall said board elect an officer, nor employ or contract with any one who is related to any member of said board or any member of the city council, within the fourth degree of consanguinity or affinity, by the civil law. Said board may in the name of the city sell and contract as hereinafter provided, and may use the corporate seal of the city.

Sec. 181. Said board may buy, sell and contract as hereinafter provided, and each member thereof, except the mayor shall receive as a salary, such sum as may be fixed by the city council, at the first meeting held after their election, not to exceed the sum of \$500.00 per annum, payable quarterly out of the city treasury, in the same manner as salaries of other officers are paid.

Sec. 182. Before entering upon the duties of his office, each member of the board shall take and subscribe the following oath: "I do solemnly swear that I will support the Constitution of

the State of Alabama and the Constitution of the United States, and that I will faithfully, zealously and impartially discharge the duties of the office upon which I am about to enter, without fear or favor, for the public welfare, so help me God."

Board to fill
vacancies.

Sec. 183. In case of death, removal or resignation of any member of the board except the mayor, the board shall elect a suitable person to fill the vacancy so caused, which person, so elected shall hold office for the unexpired term and until his successor is elected and qualified.

Officers of
board; how
elected, etc.

Sec. 184. The officers of said board shall consist of a president and a secretary, provided that the city clerk shall be secretary of the board, without any further compensation than that paid to him as city clerk. The said board, if it deems the same necessary, may elect an assistant secretary who shall receive such salary as may be fixed by the board, not to exceed the sum of fifty dollars per month. The president shall be elected, at the first regular meeting of the board, after their election or appointment as herein provided, or as soon thereafter as practicable, from among the members of said board, provided that the mayor shall not be eligible to the office of president, and provided further that the secretary and assistant secretary, where one is elected, shall not be a member of said board. The terms of the officers herein provided for shall be from the time of their election to the next regular city election and until their successors are elected and qualified, except the assistant secretary, who may be removed by the board at pleasure and his successor appointed by said board or his office abolished. Any vacancy in any office may be filled by the board by election, except the office of secretary. The board shall have the authority to require any or all officers of the same, or any employees thereof, to give bond for the faithful discharge of the duties of their respective offices, in such sum as the board may from time to time prescribe, and such bond shall be subject to the approval of the board.

Vacancies.

Sec. 185. The board of public works shall have full power and authority by formal resolution, ^{Board, powers of.} to make and promulgate all necessary rules, regulations, stipulations and provisions for carrying out the works intrusted to it, and for the government of the officers or employees elected or employed by or acting under its authority and for the regulation of the use of the property entrusted to its care.

Sec. 186. The said board shall supervise all public works and public institutions of the city, ^{Board to supervise all public works.} except as otherwise provided by law. It shall have exclusive power, control and supervision over the construction, opening, widening, grading, repairing, cleaning, filling, paving, curbing, bridging, protection, maintenance, extension, improvement, beautifying and care of the streets, roads, avenues, parks, parkways, and alleys, including both sidewalks and roadways, drainage canals, drains, culverts and ditches and the prohibition and removal of obstructions and unsightly objects from such streets and otherways, and shall supervise and control the construction, improvement and repairs of wharves, docks, landing places, market houses, viaducts, ship channels, streams and water courses, in so far as not otherwise prohibited by law; the lighting, sprinkling and cleaning of all public places and the construction of all public works and improvements and the condemnation or purchase of real property for city use, either within or without the city limits, or any right, interest or easement therein for any purpose authorized by this section. No power herein granted to said board shall be construed as abridging the power of the mayor and council to police the city and to enforce the laws and the order therein or the powers herein granted to the city health officers for the enforcement of the laws relative to the health and sanitation of the city.

Sec. 187. Said board in carrying out its duties and powers, shall have full authority to call

Board may
call on officers
for assistance,
attorneys.

on any officer or employee of the city, for such advice, assistance and services as they may be able to render, and also for a limited time and upon obtaining authority from the council, to employ additional attorneys and legal advisers and also, upon like approval to employ, discharge and suspend such engineers or other employees of such board, as in their judgment may become necessary, and to fix the terms of employment, salaries and compensation of their said employees, subject to the approval of the council.

Purchases.

Sec. 188. Said board shall have full power and authority to purchase and order any and all machinery, tools, appliances, fixtures, materials or other things necessary or expedient in executing the duties and powers of said board.

Funds to be
kept separate.

Sec. 189. All funds appropriated from any source to the use of said board, shall be kept separate from the other funds of the city and the same shall be drawn on only in such sums and at such times, as the same shall be actually required for the expenditures authorized by law and only upon warrants signed by the president of the board of public works and countersigned by the city clerk, and issued for claims that have been audited and ordered paid by said board. All such warrants shall be issued from a bound book, containing a stub or margin, corresponding to each one, which stub or margin shall contain a receipt for such warrant, to be signed by the party to whom the same is issued, and shall be kept by the clerk, at all times subject to the inspection of the council and the board of public works. Both the warrant and corresponding stub or margin shall show the time of issuance, the amount of the same, for what purpose, what account and by what authority, and to whom issued. Any person issuing any warrant for account of or in the name of such board of public works, without complying with the provisions of this act, shall be guilty of a misdemeanor. And no warrant shall be drawn without a resolution of the board.

Warrants.

Penalty.

Sec. 190. Said board shall hold regular meetings, at least once in each month, at some office in the city set aside to it by the city council, and call meetings may be held at any time upon the call of the president or a majority of the board. Said board shall have the authority to enforce the attendance of its members in the same manner as the attendance of members of the city council is enforced. Three members of the board shall constitute a quorum, but a less number may adjourn from time to time and take steps to enforce the attendance of absent members. All meetings of the board shall be public and a true record of all the proceedings shall be kept by the secretary. At the call of any member, the vote on any pending question shall be taken by ayes and noes and the same shall be entered on the record. The record of the proceedings of said board shall be open to the public and a copy from said record, certified by the secretary shall be competent evidence in all courts. Said board shall submit to the council at its first regular meeting in December of each year, an itemized statement showing the estimated receipts and expenditures of said board for the ensuing fiscal year, giving in detail the sources of revenues and estimates of salaries and expenses, proposed by said board, together with the estimated costs of proposed repairs, extensions and improvements, separately stated, and if such statement shows a deficit, the council may appropriate from the general revenues of the city, a sum sufficient to cover such deficit, or any part thereof, and said sum thus appropriated shall not be diverted from said board, or used by the mayor and council, but shall remain a separate fund in the hands of the city treasurer to be drawn only on the orders of said board; provided, however, that any portion of said sum, remaining unexpended at the end of the fiscal year, shall not be paid to said board, but shall be returned to the general fund of the city.

Board shall
hold regular
meetings.

Itemized state-
ment to coun-
cil.

Sec. 191. Said board shall make an annual re-

Annual report. port to the council at its first regular meeting in September of each year, showing in detail the receipts and expenditures for the preceding fiscal year; the physical condition of the property under the care of said board and any other matters of public interest connected with said board. It shall also make a quarterly report of receipts and expenditures to the city council in such detail, as may be required by the city council.

Member may be removed from office.

Sec. 192. Any member of said board may be removed from office for incompetency, neglect of duty or official misconduct, by impeachment by the council as herein authorized and such proceedings must be commenced on the petition of fifty or more tax payers of the city. And they are to be conducted in the manner herein provided.

Members and officials must not be interested in contracts.

Sec. 193. No member of said board, city official or member of the council shall directly or indirectly have any personal interest or share in any way in the incomes or profits resulting from any contract with said board or for the sale of any material to, or the performance of any service or labor for said board, or for material furnished or services rendered to any person in carrying out a contract with said board, nor shall any member of said board be an employee of any person, firm or corporation contracting with the city, and no person, firm or corporation shall have any contracts with said board, if any member of the said board of public works, shall have been in the employ of such person, firm or corporation within six months prior to the time of making such contract.

Paving, material for, etc.

Sec. 194. Whenever the board of public works shall deem it wise to pave or otherwise improve any street or alley, or public highway or portion thereof, said board shall decide the material with which, in its judgment such work shall be done and shall make an estimate of the cost thereof and shall forthwith report to the city council of its decision as to such paving or improvement and

the material and estimated cost thereof. Within thirty days after receiving such report, the council shall act thereon and may approve the proposed expenditure or disapprove the same or may order that such paving or improvement shall not be done at all, without further authority, or said council may, if in its judgment, the proposed expenditure be excessive, fix an amount which shall not be exceeded by the board. If such expenditure be so limited by the council, it shall be the duty of the board to make further estimates for such paving or improvement, unless it deems that the same cannot be judiciously done within such limit, and shall submit a further report to the council, which shall be acted on as above provided, and this course shall be pursued until a project of the board for such paving or improvement shall be fixed by the council, or until a limit of expenditure shall be fixed by said council, so low, that in the judgment of the board it is not judicious to do the paving or improvement with it.

In that case, the board shall enter its decision or judgment upon its records and shall not be required to proceed further as to such paving or improving, but it may, at any time, not less than thirty days after the entry of such judgment, take up again the matter of such paving or improving and submit a further report thereon to the council, upon which the same proceedings shall be had as hereinafter provided for. Whenever the council shall approve any project of the board for paving or improving, it shall enter such approval upon its minutes and give formal notice thereof to the board, which shall by formal resolution order that such paving or improving be done and paid for as provided by ordinance. If necessary, the council may thereupon provide for the issuance of bonds of the character hereinbefore described and authorized to be used for such purpose, in an amount sufficient to pay the costs of

such paving or improvement. The proceeds for the sale of such bonds shall be kept separate and apart from the general fund of the city and subject to the order of the board of public works to be used by it, only for such paving and improving and the surplus, if any, for the redemption of said bonds issued therefor. Thereupon said board shall proceed to have such paving or improvement done.

Bonded indebtedness,
payment of,
refunding, etc.

Sec. 195: The municipal authorities of any city or town in this State, which may have outstanding a bonded indebtedness of any kind, are hereby authorized and empowered to settle, adjust and refund the same, upon the best terms they can obtain, and in order to carry into effect the settlement, adjustment, and refunding of such bonded indebtedness, the municipal authorities of any such corporations are authorized and empowered to issue bonds for such an amount as may be necessary to pay the indebtedness of such corporation, which it is proposed to settle, adjust and refund, and for no other purposes whatsoever, in such sum and form, and to run for such length of time, not exceeding thirty years, and to bear such rate of interest, not to exceed five per centum per annum, payable annually, or semi-annually, at such place as the municipal authorities may designate, and may levy and collect in accordance with the constitution and in the manner provided by law for general municipal taxes, such tax as may be necessary upon the real and personal property, and all other subjects of taxation, in such corporation, to pay the interest and principal of such bonds, provided, that the tax levied hereunder in any one year shall not exceed the constitutional limitation on the rate of taxation applicable to such city or town; and provided further, that said bonds shall not be sold at less than par, except upon a vote in favor thereof of three-fourths of the members elected to the council of the governing body of the municipality, which vote shall

be taken by yeas and nays and entered of record, and unless the written assent of the mayor is filed and spread upon the minutes of the governing body.

Sec. 196. Where the debt which it is proposed to settle, adjust or refund, is secured in whole or in part by a lien, mortgage, or deed of trust, upon any property belonging to the municipality, such municipality is authorized and empowered to make a new lien, mortgage or deed of trust upon such property to secure the payment of such refunding bonds. ^{New lien, deed of trust, etc.}

Sec. 197. Any city or town issuing refunding bonds hereunder is hereby subrogated and substituted to all of the rights and remedies prescribed in any local or special law, heretofore enacted for the protection of its stockholders, or conferred upon it or any trustee, and it may sue for and recover any taxes as other municipal taxes are collected or otherwise, or any moneys or property which such municipality or such trustee might have recovered under any special or local law heretofore enacted; provided, however, that the governing body of such municipality by appropriate ordinances or resolutions compromise and make settlement of such delinquent taxes as may have accrued under any special or local law, upon such terms, and in such manner as may be deemed proper and to the best interests of such municipality, and all taxes levied for the year 1907 and prior thereto, by any and all officers of any municipality, acting under any local or special law authorizing the collection of taxes to pay interest on bonds to be refunded hereunder, are hereby in all things ratified and confirmed. ^{Refunding bonds.}

Sec. 198. Any member of the council who shall vote in favor of, or any mayor who shall approve any resolution or ordinance to apply the funds or any part thereof derived from such special tax to any other purpose than to the payment of such interest and principal of such ^{Penalty for misapplying funds.}

bonds, may be impeached in the manner herein provided, and shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not less than thirty days and for not more than six months, and may be fined in a sum of not less than \$100.00 nor more than \$500.00.

Municipal corporations may organize under act at once; proceedings.

Sec. 199. Any municipal corporation existing under the laws of this State, at the time of the passage of this act, which shall desire to organize its present city government under the provisions hereof at once, may, by the passage of an ordinance by the governing body of such city or town stating that in the judgment of such governing body, "That it is for the best interest of such city or town to organize under this act and that the city or town is hereby declared to be organized under the General Municipal Laws of Alabama, and that the then existing offices and officers of said city or town shall continue to exist and to hold such offices until the time fixed herein for their term to expire as provided in section two of this act." The then existing governing body shall proceed to elect such other officers as are required by this act and not provided for by the charter of such city or town, who shall hold office until the first election hereunder and until their successors are elected and qualified, should there be any office existing under the charter of such city or town not authorized by this act such office shall cease to exist at the first election hereunder.

Repeal.

Sec. 200. That all laws and parts of laws, both general and special, in conflict herewith be and the same are hereby repealed.

Mayor cannot accept employment.

Sec. 201. That no mayor or alderman of any municipality shall accept employment, after his election, and during his term of office, from any public service company or corporation operating under any franchise granted by the municipality, and any person accepting such employment after his election, thereby vacates his office.

Approved, August 13, 1907.

No. 799.)

AN ACT

(S. 529.

To amend sections 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, 17, and 19 of, and to add sections 9 1-2, 16 1-2, 17 1-2, 24, and 25 to, an act entitled an act to amend, reconstruct and provide for the enforcement of the laws relating to the public health, approved Oct. 9, 1903.

Section 1. Be it enacted by the legislature of Alabama, That section 2 of an act entitled an act to amend, reconstruct and provide for the enforcement of the laws relating to the public health, approved October 9, 1903, be so amended as to read as follows: That the county medical societies in affiliation with the medical association of the State of Alabama, and organized in accordance with the provisions of its constitution, are hereby constituted boards of health for their respective counties and for all incorporated cities and towns therein, and shall be under the general supervision and control of the State board of health.

Section 2. That section 3 of said act be so amended as to read as follows: That the State board of health shall have general control over the enforcement of the laws relating to the public health; shall investigate the causes, modes of propagation, and means of prevention of endemic epidemic, infectious and contagious diseases; shall investigate the influence of localities and employments on the health of the people; shall have the right to inspect all public schools, hospitals, asylums, jails, poor houses, theatres, opera houses, court houses, prisons, markets, public dairies, slaughter pens or houses, depots passenger cars, and other public institutions and places of like character; also, the sources of supply, reservoirs, and avenues of conveyance of drinking water furnished to incorporated cities and towns;

shall prescribe and publish rules for the sanitation of depots, and passenger cars on all lines of railroads in this State, including the territory contiguous to said lines of railroad; shall exercise general supervision and control over the county boards of health in the execution of the public health laws of the State in their respective counties; and shall act as an advisory board to the State in all sanitary and medical matters.

Section 4
amended.

Duties of
county boards
of health.

Section 3. That section 4 of said act be so amended as to read as follows: That it shall be the duty of county boards of health, (a) to supervise the administration of the health laws of the State in their respective counties, and to enforce the law for the collection of vital and mortuary statistics; (b). To investigate through their committees of public health and health officers cases or outbreaks of any of the diseases enumerated in section 13 of this act, and to enforce such measures for the prevention or extermination of said diseases as they are authorized by law to enforce; (c) to investigate through their committees of public health and health officers all nuisances to public health against which complaint has been alleged, and whenever a complaint is ascertained to be well founded they shall through said committees and health officers take such steps for the abatement of the nuisance complained of as the law provides; (d) to exercise through their committees of public health and health officers special supervision over the sanitary conditions of public schools, hospitals, halls, opera houses, theatres, asylums, court houses, jails, industrial and manufacturing establishments, prisons, markets, public dairies, public slaughter pens or houses, and depots and passenger cars on all lines of railroads in their respective counties, including the territory contiguous to said lines of railroads; (e) to elect a health officer for the county removable at pleasure, and to fix his term of office, the jurisdiction of which officer shall extend to all parts of the county except such as

comprised within the municipal limits of incorporated cities or towns within the county; (f) to elect a health officer removable at pleasure, for every incorporated city or town in the county and to fix the term of office of such health officer provided that the health officer of a county may be eligible for the position of health officer of any one or more incorporated cities or towns in his county, and provided that the authorities of said incorporated cities and towns shall fix fair salaries for their respective health officers; (g) to elect physicians to attend the inmates of the county poor house and jail and to fix the terms of office of such physicians, provided that both of said positions may be filled by the same physician or by the county health officer, and provided further that the court of county commissioners or board of revenue shall fix fair salaries for such physicians as may be elected to fill said positions or for the county health officer should he be elected to fill them or any one of them; (h) to require the county health officer to submit to the judge of probate and county commissioners or board of revenue, by or before the first day of March of each year and on blank forms to be supplied by the State board of health a full and complete report of all public health and sanitary work with such other information, suggestion and recommendations in regard to the protection of the health of the people as said board may deem proper, which report shall include the vital and mortuary statistics of the county; (i) to require the health officer of every municipality in the county to submit to the mayor and council of such municipality by or before the first day of March of each year a full and complete report of all public health and sanitary work, which report shall include the vital and mortuary statistics of the municipality, and may contain such other information, suggestions, and recommendations in regard to the protection of the health of the people as said board may deem proper; (j)

to require the county health officer to forward to the State board of health by or before the tenth day of each calendar month a report of all births and deaths, specifying the causes of the latter, that have occurred in the county, including all municipalities therein for the preceding month; also by or before the first day of March of each year an annual report containing a full account of all public health and sanitary work done in the county during the preceding year, which report shall include the vital and mortuary statistics of the county and of all municipalities therein and may contain such other information, suggestions, and recommendations in regard to the protection of the health of the people as said board may deem proper; (k) to perform all such other duties as are, or may be required by law.

Section 5
amended.

State health
officer; sal-
ary, duties,
etc.

Section 4. That section 5 of said act be so amended as to read as follows: That the State board of health shall elect an executive officer to be known as the State health officer, and shall fix his term of office and salary, provided that the latter shall not exceed \$5,000.00 per annum. The State health officer so elected shall under the direction of the State board of health exercise general supervision over the county boards of health and county and municipal health officers, and shall promptly report to said county boards of health any delinquencies of official duty on the part of said county and municipal health officers which may come to his knowledge; shall keep himself informed in regard to all infectious, contagious, and pestilential diseases which may be in danger of invading the State, and shall so far as authorized by law take prompt measures to prevent such invasion; shall keep the governor informed as to the health conditions prevailing in the State, especially as to outbreaks of any of the diseases enumerated in section 13 of this act, and shall submit to the governor such recommendations as he deems proper to control such outbreaks.

Section 5. That section 7 of said act shall be so amended as to read as follows: That it shall be the duty of the health officer of a county (a) to keep under regulations prescribed by the State board of health, a book to be styled "the register of births" in which he shall register so far as reported to him, the sex and color of every child born in the county, the date of such birth, the name or names, age or ages, race, color and occupation of the parent or parents, together with such other details as said regulations may require; also, a book to be styled "the register of deaths" in which he shall register the names, so far as reported to him, of all persons who dies in the county, specifying the date, place, and cause of death, also, the sex, color, race, occupation, and as far as can be ascertained the age of the deceased person, together with such other details as may be required by said regulations; also, a book to be styled "the register of infectious diseases," in which book he shall register, so far as reported to him, the name, age, sex, color, race, occupation, and place of residence, together with such other details as may be required by said regulations, of all persons who may be attacked by any of the diseases enumerated in section 13 of this act, all of which registers shall when filled be filed by the county health officer in the office of the judge of probate of the county, who shall receipt therefor; (b) to exercise under the direction and control of the committee of public health acting for the county board of health, and in accordance with the health laws of the general supervision over the sanitary interests of the county, and should he discover any cause of disease, or the existence of any condition detrimental to the health of the people he shall so far as authorized by law compel the removal or abatement of the same, and should no authority for such removal or abatement exist he shall report the facts to the county board of health, adding such recommendations as to special action as he

Section 7
amended.

Duties of Co.
health officer.

may deem proper; (c) to make personal and thorough investigation of the first case, or early cases, of any disease suspected of being any one of those enumerated in section 13 of this act that may come to his knowledge, or be reported to him and should he decide such case, or cases, to be any one of those enumerated in said section and in imminent danger of spreading, he shall in accordance with law institute immediately measures to prevent the spread of such disease, and shall forthwith report the facts thereof in writing, to the judge of probate of the county, to the chairman of the committee of public health of the county board of health and to the State health officer; (d) to obtain as needed, at the expense of the county, a sufficient supply of vaccineurus with which to vaccinate, without charge, all indigent persons in the county, who may apply to his office, or at the offices of such physicians throughout the county as may be supplied with vaccineurus for the purpose of aiding him in the vaccination of such persons; (e) to visit the county jails and county poorhouses once each month and to make careful investigation as respects the drinking water, the food, the clothing, and bedding supplied to the prisoners and inmates, also, as to the ventilation, air space, heating and bathing facilities, closets, drainage, etcet., of these institutions, and when any of said supplies are found to be inadequate, or bad in quantity, or any of said conditions unsanitary, it shall be his duty to make, in writing, a circumstantial report thereof to the judge of probate and county commissioners, or board of revenue, and to forward duplicates of said report to the county board of health and to the State health officer; (f) to make to the State board of health by, or before, the 10th day of each calendar month a full report so far as the facts reach him, of all births and deaths, specifying the causes of the latter, that occurred in the county, including all municipalities therein, for the preceding month;

(g) to make to the judge of probate and county commissioners, or board of revenue, and to the county and State boards of health by, or before the first day of March of each year an annual report of all public health and sanitary work done in the county during the preceding year which report shall include the vital and mortuary statistics of the county and of all municipalities therein and such other information, suggestions and recommendations in regard to the protection of the health of the people as he may deem proper; (h) to make to the State health officer prompt report of the presence in the county, so far as reported to him, or as comes to his knowledge, of any of the diseases enumerated in section 13 of this act, furnishing such information and at such intervals as the State health officer may require; (i) to make to the county board of health such reports and at such times as said board may require; (j) to authorize in writing any member of the county board of health to act for him in case of a contemplated absence from the county of such duration, or of a disability from any cause of such character, as to interfere with the discharge of his official duties, provided that such member accepts in writing such delegation of authority, and provided further that the chairman of the committee of public health for the county and the State health officer shall be duly notified of such arrangement by the county health officer; (k) to discharge such other health functions as are or may be required of him by law.

Section 6. That section 9 of said act be so amended as to read as follows: That the health officer of a county may, subject to the approval of the county board of health, appoint such assistant county health officers, and so distribute them throughout the county as may be of service in enforcing the health laws of the State or the health ordinance of the county. Said county health of-

Section 9
amended.
Assistant Co.
health off-
cers.

Duty of
health officer
of municipal-
ity.

ficer may on like approval remove any assistant county health officer so appointed.

Section 7. That a section to be numbered 9 1-2 and to read as follows shall be inserted: That it shall be the duty of the health officer of a municipality, (a) to keep under regulations prescribed by the State board of health a book to be styled "the register of births" in which he shall register, so far as reported to him, the sex, race and color of every child born in the municipality, the date of such birth, the name or names, age or ages, race, color, and occupation of the parent or parents, together with such other details as said regulations may require; also, a book to be styled "the register of deaths," in which he shall register the names, so far as reported to him, of all persons who die in the municipality, specifying the date, place, and cause of death; also, the sex, color, race, previous occupation, and as far as can be ascertained the age of the deceased person, together with such other details as may be required by said regulations; also, a book to be styled "the register of infectious diseases," in which he shall register so far as reported to him, the name, age, sex, color, race, occupation and place of residence, together with such other details as may be required by said regulations, of all persons who may be attacked by any of the diseases enumerated in section 13 of this act; all of which registers shall when filled be filed by the health officer of the municipality in the office of the judge of probate of the county, who shall receipt therefor; (b) to exercise under the direction and control of the committee of public health, acting for the county board of health, and in accordance with the health laws of the State and the health ordinances of the municipality general supervision over the sanitary interests of the municipality, and should he discover any cause of disease or any condition detrimental to the health of the people he shall, so far as authorized by law, or ordinance, compel the removal, or abatement, of

the same, and should no authority for such removal, or abatement, exist he shall report the facts to the county board of health, adding such recommendations for special action as he may deem proper; (c) to make personal and thorough investigation of the first case, or early cases, of any disease suspected of being any one of the diseases enumerated in section 13 of this act that may come to his knowledge, or be reported to him and should he decide such case, or cases, to be any one of the diseases enumerated in section 13 of this act and in imminent danger of spreading, he shall in accordance with law, or ordinance, institute immediate measures to prevent the spread of such disease, and shall forthwith report the facts, in writing, to the mayor and council of the municipality, to the committee of public health, of the county board of health, and to the State health officer; (d) to obtain, as needed, at the expense of the municipality a sufficient supply of reliable vaccine virus with which to vaccinate, without charge, all indigent persons in the municipality who may apply at his office, or at the offices of such other physicians as may be supplied with vaccine virus for the purpose of aiding him in the vaccination of such persons; (e) to visit the municipal prisons and any charitable institutions under the control of the municipality once in each month and to make careful investigation as respects the drinking water, the food, the clothing, and bedding supplied to the prisoners and inmates; also, as to the ventilation, air-space, heating and bathing facilities, closets, drainage, et cet of these institutions, and whenever any of said supplies are found to be inadequate in quantity or bad in quality, or any of said conditions unsanitary, it shall be his duty to make, in writing, a circumstantial report thereof to the mayor and council of the municipality, and to forward duplicates of said report to the county board of health and to the State health officer; (f) to make to the county health

officer by or before the 10th day of each calendar month a full report of all births and deaths specifying the causes of the latter so far as reported to him, that occurred in the municipality for the preceding month; (g) to make the mayor and council of the municipality, to the committee of public health of the county board of health, and to the State health officer, prompt reports of the presence in the municipality of any of the diseases enumerated in section 13 of this act, furnishing such information, and at such intervals, as said authorities may require; (h) to make to the county board of health such reports of his official acts and at such times as said board may prescribe; (i) to authorize in writing any member of the county board of health to act for him in case of a contemplated absence from the municipality of such duration or in case of a disability of such character, as would interfere with the discharge of his official duties, provided that such member accepts in writing such delegation of authority, and provided further that the municipal health officer shall notify the mayor, the chairman of the committee of public health for the county and the State health officer of such arrangement; (j) to discharge such other health functions as are or may be required of him by law.

Section 10
amended.

Reports of
child birth.

Section 8. That section 10 of said act shall be so amended as to read as follows: That within the first five days of each calendar month it shall be the duty of every physician and midwife to report all cases of child-birth attended during the last preceding month, either to the county health officer or to a municipal health officer, according to whether the birth occurs in a county or in a municipality, and if no such case has been attended during said term that fact shall be reported. In each such case attended said report shall specify as nearly as can be ascertained the name, place of birth, color, occupation, and race of the parents; the sex, color, race, and date of

birth of the child, together with such other details as may be required by the State board of health.

Section 9. That section 11 of said act shall be ^{Section 11} so amended as to read as follows: That within ^{amended.} the first five days of each calendar month it shall be the duty of every physician and midwife to ^{Report of} report all deaths that occurred in their respective ^{deaths.} practices for the last preceding month either to the county health officer, or to a municipal health officer, according to whether the death occurred in the county or in a municipality, giving in each case the date and place of death, the name, sex, color, age, race, and previous occupation of the deceased, and, so far as can be ascertained, the cause of the death, together with such other details as may be required by the State board of health.

Section 10. That section 12 of said act be so ^{Section 12} amended as to read as follows: That every phy- ^{amended.} sician who is called to a case of any of the diseases named in section 13 of this act shall as soon ^{Reports as to} thereafter as can be done make a report thereof ^{diseases.} to the health officer, county, city, or town—in whose jurisdiction the case is located, specifying the same and locality of the patient, the character of the disease together with such other details as will furnish adequate information of the condition and surroundings.

Section 11. That section 13 of said act be so ^{Section 13} amended as to read as follows: That whenever ^{amended.} a disease appears in a county, incorporated city or town suspected by any physician or midwife ^{Investigation} or by any person on whose premises such disease ^{of suspicious} is, of being any one of those enumerated in sec- ^{cases of cer-} tion 13 of this act, it shall be the duty of such ^{tain diseases.} physician, midwife, or person, to report his or her suspicion to the health officer having jurisdiction over the locality where such case appears, whereupon, it shall be the duty of such health officer to thoroughly investigate and decide upon the character of the disease. Should he entertain

Diseases;
spread of;
which con-
trolled by law.

doubt as to the nature of the disease he shall call to his aid such members of the committee of public health of the county board of health as may be available, and should doubt or difference of opinion as to the nature of the disease still exist the State health officer shall be summoned to which summons he shall respond as promptly as circumstances will permit. Should the disease prove to be leprosy, cholera, typhus fever, cerebro-spinal meningitis, or spotted fever, yellow fever, scarlet fever, bubonic plague, hydrophobia, glanders, small-pox, diphtheria, pulmonary tuberculosis, typhoid fever, chagris fever, beri-beri, or of other nature believed to be grave, and at the same time contagious, infectious, or pestilential in character, or if the disease be known to be either one of those just mentioned and be so reported, it shall be the duty of the health officer of the county, city or town to whom the report is made to promptly notify in writing, the judge of probate and commissioners or board of revenue, of the county, the mayor, or intendent, and council of the city or town, according to the location of the disease, of the presence and extent of prevalence of the disease, and said health officer shall accompany such notification with such recommendations as he may deem necessary to prevent the spread of the disease, calling into consultation with him, from time to time, the committee of public health of the county board of health. Upon receipt of such notification and recommendations said county, city, or town officials, as the case may be, shall after consultation with the health officer in charge, and, if need be, with the committee of public health of the county board of health, appropriate such funds, or assume responsibility for such expenditures, as may be found necessary to prevent the spread of the disease. When authorized to incur the necessary expense the health officer of the county, city or town in which the disease is located shall proceed to direct and supervise the enforcement of

the measures of extermination of the disease authorized by the county, city or town authorities concerned, whether such measures shall apply to persons sick, of, convalescent from, the disease, or to those who have been exposed thereto. All employees needed to enforce the authorized measures of control shall, subject to the approval of the committee of public health of the county board of health, be selected and employed by the health officer in charge, and shall likewise on the approval of the committee of public health of the county board of health, be subject to removal by said officer. Whenever any of the diseases enumerated in this section or a disease suspected as being any one of them appears in a county, incorporated city or town under such conditions and surrounding as to render it imperative and urgent that prompt and immediate measures to prevent the spread of the disease shall be enforced, the health officer of the county, city, or town, as the case may be, shall have the right to institute and enforce such measures subject to the approval of the committee of public health of the county board of health.

Section 12. That section 16 of said act shall be so amended as to read as follows: That when-
 ever complaint shall be made in writing to the health officer of a county, city, or town that a person not in his own home is afflicted with any of the diseases named in section 13 of this act it shall be the duty of such health officer to promptly and thoroughly investigate said complaint. If upon investigation said health officer shall be of the opinion that said complaint is well founded, and if this opinion be concurred in by at least one member of the committee of public health of the county board of health, it shall be the duty of said health officer to cause such person to be removed to such place as may have been provided for such cases in the county, city or town in which such person is found, or, if no place be provided for such cases, then to such place as said

Section 16
amended.
Removal of
infected persons not in
their own homes.

health officer may deem suitable subject to the approval of the authorities of the county, city or town, as the case may be. The removal of said person shall be at the expense of said person or in case the person removed is a minor then at the expense of his parents or guardians; or if the person be indigent then at the expense of the town, city, or county, as the case may be.

Sec. added.

Lawful to enter infected house for purpose of disinfecting.

Section 13. That a section to be numbered 16½ and to read as follows shall be added to said act: That whenever a house or part of a house is believed or known to have become infected by any of the diseases enumerated in section 13 of this act it shall be lawful for the health officer of the county, or of the municipality according to the location of said house to enter said house or part of house, or to authorize other persons to enter said house or part of house, one or both, for the purpose of disinfecting it provided that the disinfection shall be conducted with as little inconvenience to the owner or occupant and with as little damage to the house and to the furniture therein as is compatible with thoroughness of disinfection.

Section 17 amended.

Resistance to health officers.

Section 14. That section 17 of said act shall be so amended as to read as follows: That if in the attempt to perform any duty enjoined by either of the three precedings sections the health officer of a county, city or town, shall be forcibly resisted, or threatened with forceful resistance, such health officer shall make affidavit before the judge of any court of record, the judge of probate or any justice of the peace of said county that said forceful resistance has been made, or threatened; whereupon, the officer before whom said affidavit has been made shall forthwith issue his warrant directed to the sheriff, or to any bonded constable of said county commanding said sheriff or constable to remove or abate under the direction of said health officer, said unsanitary condition or source of infection or offensive or indecent material or thing, or to re-

move such infected person, and it shall be the duty of said sheriff or constable to whom said warrant shall be delivered to promptly execute the same. In executing every such warrant the said sheriff or constable shall have the right to enter by force into any such lot, piece of ground, house or vessel, and upon any such pond, lake, or stream.

Sec. 15. That a section to be numbered 17 1-2 Sec. added. and to read as follows shall be added to said act:

That it shall be unlawful for the owner of a house, or a part of a house, in which a case of any of the diseases enumerated in section 13 of this act has existed, or for an agent representing such owner, to lease or sell such house or part of a house without first notifying the proposed lessee or purchaser of the fact, provided that such notification may be omitted in case the owner or agent holds a certificate from the health officer in whose jurisdiction such house or part of a house is located to the effect that it was after having been infected thoroughly and scientifically disinfected.

As to leasing or selling house where certain diseases have existed.

Section 16. That section 18 of said act shall be so amended as to read as follows: That the board of health of any county may, subject to the approval of the State board of health, prescribe the rules for the inspection of grocery house, markets, restaurants, lunch stands, eating places, public dining rooms, together with the pantries, kitchens and yards belonging thereto, in said county, provided that no inspection of any such place shall be made until after the written consent of the proprietor, owner or keeper of the place to be inspected has been filed with said board of health of said county, after which an inspection of said place may without previous notice be made at any hour of the day or night up to 10 o'clock p. m., in case said places are kept open to the public to that hour. Once every month said board of health may publicly give notice of all places inspected during the preceding month,

Sec. 18 amended. Inspection of places where food, etc., sold.

which judged by rules as to sanitation prescribed by said board of health and approved by the State board of health have been found in good sanitary condition.

Section
added.

Judge of probate to report marriages to State board.

Section 17. That a section to be numbered 24 and to read as follows be added to said act: That within the first five days of each calendar month it shall be the duty of the judge of probate of each county in this State to forward to the State board of health, at Montgomery, on blank forms to be supplied by said board reports of all marriages that have occurred in the county for the preceding month, furnishing such information in regard to each marriage as is on record in his office.

Sec. added.

Clerks and registers to report to State boards as to divorces.

Section 18. That a section to be numbered 25 and to read as follows shall be added to said act; That within the first five days of each calendar month it shall be the duty of the clerk, register, or clerk and register of each court having equity jurisdiction in this State to forward to the State board of health at Montgomery and on blank forms to be supplied by said board, reports of all divorces that have been granted in the county for the preceding month, furnishing such information in regard to each divorce as is on record in his office including the race and color of the parties.

Penalty for violating act.

Sec. 26. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than one hundred dollars.

Effect of act as to municipal bill in conflict.

Sec. 27. In the event that any of the provisions of any general municipal bill which may be enacted by this legislature of this session shall be in conflict with any of the provisions of this act or the general health and quarantine laws of the State the provisions of this act and such general health and quarantine laws shall prevail.

Approved Aug. 15, 1907.

No. 798.)

AN ACT

(S. 637.

For the payment of the expenses of the legislature and executive and judicial officers of the State in attending the funeral of the late Senator Pettus.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby appropriated out of the State treasury the sum of five hundred dollars or so much thereof as may be necessary to defray the expenses of the legislature and the executive and judicial officers of the State in attending the funeral of the late Senator Edmund Winston Pettus including their transportation and suitable floral offering. Second, that the auditor shall issue his warrant in payment of said expenses upon itemized statement of the chairman of the joint legislative committee on arrangement for said funeral heretofore raised by joint resolution. ^{Amount appropriated.} ^{How paid.}

Approved Aug. 8, 1907.

No. 800.)

AN ACT

(S. 131.

To submit to the qualified electors of the State, at the general election to be held on the first Tuesday after the first Monday in November, 1908, for two associate justices of the supreme court, for their consideration an amendment to sections 46 and 48 of article IV of the constitution so as to provide for biennial sessions of the legislature.

Section 1. Be it enacted by the legislature of Alabama, That the following amendment to sections 46 and 48 of article IV of the constitution is hereby proposed, to be submitted to the qualified electors of Alabama for their consideration ^{Amendment proposed.}

Election of
members of
legislature.

Terms of of-
fice.

Vacancy; how
filled.

Bi-ennial ses-
sions.

Proclama-
tion of gov-
ernor.

as hereinafter set forth, viz: Amend section '46 so as to read as follows: Senators and representatives shall be elected by the qualified electors on the first Tuesday, after the first Monday in November unless the legislature shall change the time of holding elections. The terms of office of representatives shall be two years, and the terms of office of senators four years, commencing on the day after the general election, except as otherwise provided in this constitution. At the general election in 1910 all the senators and representatives shall be elected. The terms of senators elected at said election to represent the even numbered districts, to be for two years; and the terms of senators elected to represent the odd numbered districts to be for four years. Thereafter the terms of all senators shall be four years. Whenever a vacancy shall occur in either house the governor shall issue a writ of election to fill such vacancy for the remainder of the term." Amend section 48 so as to read as follows: "The legislature shall meet biennially at the capitol, in the senate chamber, and in the hall of the house of representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be prescribed by law; and shall not remain in session longer than fifty days. If at any time it should from any cause become impossible or dangerous for the legislature to meet or remain at the capitol, or for the Senate to meet or remain in the Senate Chamber, or for the representatives to meet or remain in the hall of the house of representatives, the governor may convene the legislature, or remove it, after it has convened, to some other place or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require."

Section 2. That it shall be the duty of the governor to give notice by proclamation to be published in one newspaper in each county in the State at least eight successive weeks next preced-

ing the general election in 1908, of the amendment proposed by this act to be submitted to the people for consideration.

Section 3. That at the general election ^{When voted} to be held on the first Tuesday after the ^{on.} first Monday in November, 1908, the qualified electors shall vote on said amendment; and on the official ballots printed for said elec- ^{Ballots.} tion there shall be printed the following, viz: "Amendment to constitution providing for biennial sessions of the legislature." "Yes." "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word, expressing his desire.

Section 4. That the votes shall be count- ^{Returns,} ed and the return made in the same ^{how made.} manner as is now provided by law for general elections for senators and representatives. The result of said election shall be made known ^{Result of} by proclamation of the governor, and if a major- ^{election.} ity of all the qualified electors who voted at said election voted "Yes", said amendment from the date of said proclamation shall be valid to all intents and purposes as a part of the constitution of Alabama.

No. 801.)

AN ACT

(S. 321.

To amend section 3700 of the code of Alabama of 1896, as amended by an act of the legislature of Alabama approved February 12th, 1903.

Section 1. Be it enacted by the legislature of ^{Act amended.} Alabama, That section 3700 of the code of Alabama of 1896, as amended by an act of the legislature approved February 12th, 1903, be and the same is hereby amended so as to read as follows: 3700 (Eleven trustees appointed by the governor —Board of trustees). Such board of trustees ^{Board of trus-} shall consist of the governor, the superintendent ^{tees.}

	of education and eleven other persons who shall be appointed by the governor and confirmed by the senate at the meeting of the legislature next following such appointments, and if any appointment by the governor is rejected by the senate, the governor must again appoint until the full number of appointments at such time is complete; and in case of a vacancy on said board by death or resignation of a member or from any cause other than the expiration of his term of office the governor may fill the vacancy by appointment, which shall be good until the next meeting of the legislature and until his successor is duly appointed and confirmed. Each trustee shall hold office for a term of six years. The board shall consist of three members of the congressional district in which the school is located and one from each of the other congressional districts in the State. The three members from the district in which the school is located shall be appointed from Talladega county. The board shall be divided into three classes. The members from the first, second, third and one member from the fourth district shall compose the first class. The members from the fifth, sixth and one member from the fourth district shall compose the second class. The members from the seventh, eighth, ninth and one member from the fourth district shall compose the third class. Successors to those trustees whose terms expire in 1908 shall hold office until 1914; successors to those trustees whose terms expire in 1910 shall hold office until 1916; successors to those trustees whose terms expire in 1912 shall hold office until 1918, and thereafter successors shall hold office for a term of six years. Provided that the members of the board of trustees as now constituted, and elected shall hold office until their respective terms expire under existing law and until their successors are appointed and confirmed as herein required. No trustee shall receive any pay or emolument other than his actual expenses incur-
Vacancy.	
Term of office.	
Classes.	
Terms of office of successors.	
Expenses of trustees.	

red in the discharge of his duties as such. These eleven persons and the governor and the superintendent of education constitute a board of trustees who shall have entire management and control of such institution.

Approved August 9th, 1907.

No. 802.)

AN ACT

(H. 930.

To regulate the administration of the affairs of any municipal corporation which has been absorbed, or its government extinguished by the alteration or re-arrangement of the boundary lines of another city or town. Be it enacted by the legislature of Alabama:

Section 1. That when any municipal corporation has been absorbed or its government extinguished by the alteration or re-arrangement of the boundary lines of another city or town, the city or town so altering or re-arranging its boundary lines shall assume and pay any and all debts, liabilities, bonded indebtedness, and interest thereon, of every kind and character, when the same shall become due, that may have been lawfully contracted by the city or town so absorbed, or whose government has been extinguished, and said city or town so altering or re-arranging its boundary lines shall assume all contracts for any municipal improvements that may not be completed of the city or town so absorbed, or whose government has been extinguished, at the time this act shall go into effect.

Section 2. That the city or town so altering or re-arranging its boundary lines shall become vested with the title and ownership of all property, both real and personal, including taxes, moneys, school buildings and grounds, parks, fixtures and furniture of school buildings, city or town halls, equipment and apparatus of fire de-

Liabilities, etc.
of absorbed
city; assumed
by absorbing
city.

Title of prop-
erty, etc., vest-
ed in ab-
sorbing city.

partments, city or town jails, water, gas or electric systems, including all mains or pipes used for conducting the water or gas, or electric lines, wires, poles, conduits, and all apparatus connected with any water works, gas, or electric light systems, belonging to the city or town so absorbed, or whose government has been extinguished, subject to the same conditions, and to be held for the same uses and purposes, and subject to the same conditions as theretofore.

Taxes levied
by absorbing
city carried
to finality.

Section 3. That the city or town so altering or re-arranging its boundary lines, shall not stay, arrest or interfere with any proceedings for the collection or enforcement of any tax, special assessment or special tax, and the same shall proceed and be carried to a finality by the proper officers of the city or town whose boundary lines shall be so altered or re-arranged, and the proceeds thereof shall be paid over to the treasurer of such city or town so altering or re-arranging its boundary lines to be used for the purposes for which the tax was levied, or the proceedings instituted.

Suits pending
when ab-
sorbed.

Section 4. That all suits pending in any court on behalf of any city or town so absorbed, or whose government is extinguished, may be prosecuted or defended in the name of the city or town whose boundary lines shall be so altered or re-arranged, and all judgments, fines or decrees, or recoveries obtained for or on behalf of any city or town so absorbed, or whose government has been extinguished, may be collected and enforced with like force and effect as though such absorption had not taken place, in the name of the city or town whose boundary lines have been so altered or re-arranged.

Judgments,
etc. ,

Public books,
etc., trans-
ferred.

Section 5. That all the public books, papers and documents of said city or town so absorbed 'on file in any office, or with any public officer thereof, shall be transferred to, and filed with the appropriate officer or department of the city or town whose boundary lines have been altered or

re-arranged as the city council, or other governing body thereof, may direct. It shall be the duty of all persons having charge of such books, papers and documents, to deliver the same to, and file the same with the appropriate officer or department thereof.

Section 6. That should the city or town so absorbed, or whose government is extinguished, own any water works, gas or electric light system, the city or town so altering or re-arranging its boundary lines shall take charge of and operate said water works, gas or electric light system on the same terms and conditions and charge the consumers thereof the same rates or charges as before said absorption by the city or town so altering or re-arranging its boundary lines, and said city or town shall have the same use and benefit of said water, gas, or electric light system as that of the city or town so absorbed.

If absorbed town owns waterworks, etc., how operated.

Section 7. Should the city so altering or rearranging its boundary lines absorb or annex any part of another city or town, the city so altering or re-arranging its boundary lines shall assume and pay the proportionate share of the bonded indebtedness of the city or town from which said territory is taken, that the cost of the municipal improvements in such territory taken from such city or town, bears to the whole cost of the municipal improvements made in the whole of the city or town from which such territory is taken immediately before such annexation; provided, that this shall apply only to that part of bonded indebtedness actually expended for municipal improvements. Said city shall also pay to the city or town from which territory is taken, the value of any school property or other property that may be in such annexed territory at the time of such annexation. The amount of said bonded indebtedness and the value of said property to be paid by said enlarged city, shall be determined and agreed on by the city council of the

Part of town annexed; what part of bonded indebtedness assumed by absorbing town.

School property.

Determination of amount.

enlarged city and by the city council from which such territory is taken, in such a manner as they shall elect; if they cannot agree, then the matter shall be determined by the circuit court of the county in which such enlarged city may be, by petition of either municipality, or of any tax payer of either municipality.

Approved August 13, 1907.

INTEREST LAWS AND STATUTES OF VARIOUS STATES OF THE UNION.

States and Territories.	Interest Laws.		Statutes of Limitations.		
	Legal rate, per cent.	Rate allowed by contract, per ct.	years. Judgments,	Notes, years.	Open accts. years.
Alabama -----	8	8	20	6	23
Arkansas -----	6	10	10	5	3
Arizona -----	7	*	5	5	3
California -----	7	*	5	4	2
Colorado -----	8	*	6	6	6
Connecticut -----	6	†	†	6	6
Delaware -----	6	6	--	6	3
District of Columbia -----	6	10	12	3	3
Florida -----	8	10	20	5	4
Georgia -----	7	8	7	6	4
Idaho -----	7	12	6	5	4
Illinois -----	5	7	7	10	5
Indiana -----	6	8	20	10	6
Iowa -----	6	8	20	10	5
Kansas -----	6	10	5	5	3
Kentucky -----	6	6	15	15	2
Louisiana -----	5	8	10	5	3
Maine -----	6	*	20	6	6
Maryland -----	6	6	12	3	3
Massachusetts -----	6	*	20	6	6
Michigan -----	6	8	6	6	6
Minnesota -----	7	10	10	6	6
Mississippi -----	6	10	7	6	3
Missouri -----	6	8	10	10	5
Montana -----	10	*	10	8	3
Nebraska -----	7	10	5	5	4
Nevada -----	7	*	6	6	4

INTEREST LAWS AND STATUTES OF LIMITATIONS—*Contd.*

States and Territories.	Interest Laws.		Statutes of Limitations.		
	Legal rate, per cent.	Rate allowed by contract, per ct.	Judgments, years.	Notes, years.	Open accts. years.
New Hampshire -----	6	6	20	6	6
New Jersey -----	6	6	20	6	6
New Mexico -----	6	12	7	6	4
New York -----	6	6	20	6	6
North Carolina -----	6	6	10	3	3
North Dakota -----	6	12	10	6	6
Ohio -----	6	8	5	15	6
Oklahoma -----	7	12	5	5	3
Oregon -----	8	10	10	6	6
Pennsylvania -----	6	6	5	6	6
Rhode Island -----	6	*	20	6	6
South Carolina -----	7	8	20	6	6
South Dakota -----	7	12	10	6	6
Tennessee -----	6	*	10	6	6
Texas -----	6	10	10	4	2
Utah -----	8	*	8	6	4
Vermont -----	6	6	8	6	6
Virginia -----	6	6	10	5	2
Washington -----	7	12	6	6	3
West Virginia -----	6	6	10	10	5
Wisconsin -----	6	10	20	6	6
Wyoming -----	8	12	5	5	3

*Any rate; †any rate, but only 6 per cent. can be collected by law.
‡no law.

ERRATA.

- Page 1. "Archibald M. Carmichael" should be "Archibald H. Carmichael."
- Page 78. After word "incorporated" third line from top of page words "Approved February 11th, 1901" should be added and words "Approved Feb. 6, 1907" should take place of "Approved Feb. 11th, 1901."
- Page 199. Section 2, 4th line figures "1019" should be "1910."
- Page 217. Opposite word "Lumber" first line from top letter "C" in first column should be "B."
- Page 217. Second line from bottom words "Tile and drain pipe and roofing" should read "Tile and pipe, earthen, drain or roofing."
- Page 261. Section 3, 2nd line after "Judge" add "and any other Judge". Sec. 5, 18th line word "term" should be "time."
- Page 263. "Approved March 3rd" should be approved "March 2nd."
- Page 341. Fifth line section one, words "thirty thousand" should read "Thirty two thousand."
- Page 389. Words "having the aforesaid qualifications for dispenser, and from these three names" in the last two lines on page should be stricken out.
- Page 396. At end of section 34 the words "Approved March 13, 1907" should be added.
- Page 401. Word "Amuse" in twelfth line from bottom of page should be "Abuse."
- Page 510. Section 17, 4th line, word "Commission" should be "Commissioner."

STATE OFFICERS.

THE OFFICIAL HEADS OF THE DEPARTMENTS.

Braxton Bragg Comer, of Jefferson-----Governor.
Henry B. Gray, of Jefferson-----Lieutenant Governor.
Alexander M. Garber, of Talladega-----Attorney General.
Wm. W. Brandon, of Tuscaloosa-----State Auditor.
Frank N. Julian, of Colbert-----Secretary of State.
Walter D. Seed, of Tuscaloosa-----State Treasurer.
Harry C. Gunnels, of Calhoun-----Superintendent of Education.
J. A. Wilkinson, of Autauga-----
-----Commissioner of Agriculture and Industries.
Chas. Henderson, of Pike-----President Railroad Commission.
W. H. Sanders, of Mobile-----State Health Officer.
J. Craig Smith, of Dallas-----President Convict Board.
J. J. Mitchell, of Lauderdale-----Pres^d State Tax Commission.
John R. Tyson, of Montgomery--Chief Justice of the Supreme Court.
Bibb Graves, of Montgomery-----Adjutant General.
John Purifoy, of Wilcox-----Examiner of Public Accounts.
Thomas M. Owen, of Jefferson--Director Dept. Archives and History.
R. W. Manning, of Clay-----State Land Agent.
Wm. M. Byrd, of Jefferson-----Commissioner State S. and O. Lands.
John H. Wallace, Jr., of Madison--State Game & Fish Commissioner.
W. H. Seymour, of Montgomery-----
-----Director Alabama Bureau of Cotton Statistics.
R. H. deHoll, of Jefferson-----Immigration Commissioner.

LEGISLATIVE DEPARTMENT.

Legislature meets quadrennially, sessions limited to 50 working days. Special sessions limited to 30 working days.

OFFICERS OF THE SENATE.

Lieutenant Governor and President of Senate.....
.....Henry B. Gray, of Jefferson.
President Pro-Tem.....E. P. Thomas, of Barbour.
Secretary.....J. A. Kyle, of Jackson.
Assistant Secretary.....Wm. J. Conniff, of Montgomery.
Engrossing and Enrolling Clerk.....Mrs. M. V. Gesner, of Montgomery.
Comparing Clerk.....Mrs. Laura J. Alley, of Montgomery.
Doorkeeper.....W. B. Kemp, of Monroe.
Assltant Doorkeeper.....W. H. Maybin, of Montgomery.
Doorkeeper of Gallery.....J. T. Watkins, of Barbur.
Messenger.....Joe Wilkinson, Prattville.
Pages—Thos. Hayes, Mooresville; J. K. Jackson, Jr., Armistead Gayle,
and C. C. Devinney, Montgomery.

MEMBERS.

First District—Lauderdale and Limestone: Wm. N. Hayes, of Mooresville.

Second District—Lawrence and Morgan: W. T. Lowe, of Decatur.

Third District—Blount, Cullman and Winston: John F. Wilson, of Oneonta.

Fourth District—Madison: Robert Elias Spragins, of Huntsville.

Fifth District—Jackson and Marshall: J. A. Lusk, of Guntersville.

Sixth District—Etowah and St. Clair: Ed D. Hamner, of Attalla.

Seventh District—Calhoun: Frederick Leonard Blackmon, of Anniston.
Eighth District—Talladega: J. W. Heacock, of Talladega.

Ninth District—Chambers and Randolph: J. W. Overton, of Wedowee.

Tenth District—Elmore and Tallapoosa: J. W. Strother, of Dadeville.

Eleventb District—Tuscaloosa: F. S. Moody, of Tuscaloosa.

Twelfth District—Fayette, Lamar, and Walker: M. L. Leith, of Jasper.

Thirteenth District—Jefferson: N. L. Miller, of Birmingham.

Fourteenth District—Pickens and Sumter: G. B. Wimberly, of Iteform.

Fifteenth District—Autauga, Chilton and Shelby: H. S. Doster, of Prattville.

Sixteenth District—Lowndes: Evans Hinson, of Hayneville.

Seventeenth District—Butler, Conecuh and Covington—C. E. Reid, of Andalusia.

Eighteenth District—Bibb and Perry: H. E. Reynolds, of Centreville.

Nineteenth District—Choctaw, Clarke and Washington: Norman Gunn, of Thomasville.

Twentieth District—Marengo: J. J. King, of Consul.

Twenty-first District—Baldwin, Escambia, and Monroe: O. O. Bayles, of Monroeville.

Twenty-second District—Wilcox: William Clarence Jones of Camden.

Twenty-third District—Dale and Geneva: P. B. Davis, of Chancellor.

Twenty-fourth District—Barbour: Elias Perry Thomas, of Eufaula.

Twenty-fifth District—Coffee, Crenshaw and Pike: Lucian Gardner, of Troy.

Twenty-sixth District—Bullock and Macon: H. P. Merritt, of Tuskegee.

Twenty-seventh District—Lee and Russell: E. H. Glenn, of Seale.

Twenty-eighth District—Montgomery: C. B. Teasley, of Montgomery.

Twenty-ninth District—Cherokee and DeKalb: W. W. Barbour, of Fort Payne.

Thirtieth District—Dallas: H. F. Reese, of Selma.

Thirty-first District—Colbert, Franklin and Marion: G. T. McWhorter, of Riverton.

Thirty-second District—Greene and Hale: Amos Horton, of Pleasant Ridge.

Thirty-third District—Mobile: Max Hamburger, of Mobile.

Thirty-fourth District—Cleburne, Clay and Coosa: D. M. White, of Goodwater.

Thirty-fifth District—Henry and Houston: B. A. Forrester, of Cowarts.

OFFICERS OF THE HOUSE.

*HON. A. H. CARMICHAEL, of Colbert-----Speaker
 CYRUS B. BROWN, of Montgomery-----Clerk.
 WM. F. HERBERT, of Marengo-----Asst. Clerk.
 FRANK A. GAMBLE, of Walker-----Engrossing Clerk.
 JOHN V. DENSON, of Chambers-----Enrolling Clerk.
 ROBERT HASSON, of Calhoun-----Doorkeeper.
 T. W. DEYAMPERT, of Montgomery-----Asst. Doorkeeper.
 JOEL BARNETT, of Montgomery-----Doorkeeper of Gallery.
 Messengers—Sam Donaldson, Wallace McGowin and Eddie
 Dent.

Pages—Claud Adams, Charles Alley, Ellis Cranford, John
 Green, Berry Goins, Cecil Stubbs.

*Succeed Wm. L. Martin, deceased.

MEMBERS.

Autauga—Eugene Ballard, Prattville.
 Baldwin—S. C. Jenkins, Bay Minette.
 Barbour—J. S. Williams, Clayton; R. M. Lee, Clio.
 Bibb—Jerome T. Fuller, Centerville.
 Blount—W. A. Weaver, Oneonta.
 Bullock—N. B. Powell, Union Springs; S. P. Rainer, Union Springs.
 Butler—W. J. Jones, Butler Springs; J. Lee Long, Greenville.
 Calhoun—Joseph J. Arnold, Jacksonville; Wm. H. Cooper, Oxford.
 Chambers—S. L. Burney, Lanette; E. M. Oliver, LaFayette.
 Cherokee—Charles Rattray, Jamestown.
 Chilton—J. Osmond Middleton, Clanton.
 Choctaw—Wallace H. Lindsey, Butler.
 Clarke—Isaac Pugh, Grove Hill; J. D. Doyle, Salitpa.
 Clay—J. D. Carmichael, Goodwater R. F. D.
 Cleburne—John A. Brown, Belle Mills.
 Coffee—R. H. Arrington, Enterprise.
 Colbert—A. H. Carmichael, Tuscumbia.
 Conecuh—J. D. McCrory, Evergreen.
 Coosa—John W. Johnson, Lauderdale.
 Covington—Abner Powell, Andalusia.
 Crenshaw—M. W. Rushton, Luverne.
 Cullman—George H. Parker, Cullman.
 Dale—H. B. Steagall, Ozark.
 Dallas—Robert R. Kornegay, Selma; Alexander D. Pitts, Selma; Samuel
 C. Lacy, Vale Grande.
 DeKalb—W. H. Elrod, Fort Payne, Ala.

- Elmore—W. L. Lancaster, Wetumpka; Lamar Smith, Tallassee, R. F. D.
 Escambia—J. H. L. Henley, Bradley.
 Etowah—Alto V. Lee, Jr., Gadsden; H. P. Smith, Keener.
 Fayette—W. M. Cannon, Fayette.
 Franklin—Ben H. Smith, Newburgh.
 Geneva—J. R. Alford, Hartford.
 Greene—W. B. Baltzell, Baltzell.
 Hale—H. Graham Benners, Greensboro; Alfred M. Tunstall, Greensboro.
 Henry—J. W. Malone, Abbeville, R. F. D. -----; J. R. Vann, Abbeville, R. F. D.-----
 Houston—W. L. Lee, Columbia.
 Jackson—James Armstrong, Scottsboro; James S. Benson, Langston.
 Jefferson—John T. Glover, L. J. Haley, Sam Will John, Jere C. King,
 W. E. Urquhart, Birmingham; R. F. Lovelady, Pratt City; M. C. Ragsdale, McCalla.
 Lamar—C. W. White, Millport.
 Lauderdale—John L. Hughston, Florence; H. A. Killen, Green Hill.
 Lawrence—C. M. Sherrod, Courtland.
 Lee—T. D. Power, Opelika; R. C. Smith, Opelika.
 Limestone—B. B. Peete, Athens, R. F. D.-----
 Lowndes—J. A. Coleman, Mt. Willing; D. F. Crum, Farmersville.
 Macon—E. W. Thompson, Tuskegee.
 Madison—A. D. Kirby, Huntsville; N. M. Rowe, Triana.
 Marengo—W. B. Doyle, Dixon's Mill; S. G. Woolf, Demopolis.
 Marion—C. E. Mitchell, Hamilton.
 Marshall—W. M. Coleman, Albertville.
 Mobile—Francis O. Hoffman, Mobile; A. S. Lyons, Mobile; Jos. H. Norville, Mobile.
 Monroe—John McDuffie, River Ridge.
 Montgomery—R. T. Goodwyn, Gaston Gunter, O. C. Maner, P. B. Mastin, Montgomery.
 Morgan—Wm. H. Long, Jr., Decatur; John R. Sample, Hartselle.
 Perry—W. L. Pitts, Sr., Uniontown; George P. White, Marion.
 Pickens—J. M. Pratt, Reform.
 Pike—H. W. Ballard, Milo; J. T. Sanders, Goshen,
 Randolph—W. R. Avery, Wehadka.
 Russell—Homer R. Dudley, Seale; Wm. J. Price, Girard..
 Shelby—Hosea Pearson, Shelby.
 St. Clair—J. W. Moore: Coal City.
 Sumter—W. A. Altman, York; Robert L. Seale, Livingston.
 Talladega—J. H. Lawson, Talladega; J. B. Sanford, Sylacauga.
 Tallapoosa—Thos. L. Bulger, Dadeville; J. Fletcher Turner, Dadeville.
 Tuscaloosa—J. M. Foster, Tuscaloosa; Fleetwood Rice, Northport.
 Walker—E. R. Lacy, Jasper; J. H. Cranford, Jasper.
 Washington—Perry Edwards, Escatawpa.
 Wilcox—Sol D. Bloch, Camden; Lee McMillan, Gastonburg.
 Winston—W. M. Barton, Lynn.

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